

# THE CYPRUS QUESTION

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## **THE CYPRUS QUESTION**

## I. INTRODUCTION

At the time of writing, a new chapter in the Cyprus Question has opened, following the suspension of the UN talks by the Turkish Cypriots and the initiation of direct talks by the letter of 8<sup>th</sup> November 2001 from Turkish Cypriot President Denktaş to Greek Cypriot President Clerides.

Western foreign policy has two principal aims: to maintain security, and to protect and enhance trading interests. Allied to those aims, and indirectly supportive of them, is concern for justice and the rule of law, protection of human rights, and the promotion of mutual respect and understanding between peoples.

Each of these factors applies to the island of Cyprus. The Eastern Mediterranean is important to Western security, to the situation in Iran, Iraq, the Gulf, the Caspian and the Middle East and in relation to the southern flank of NATO, where relations between Turkey and Greece are important. Western trading interests, whilst small in Cyprus itself, require stability in the region. Violations of human rights and breakdown of respect and understanding between peoples in the region threaten both principal foreign policy interests. Finally, Britain has residual legal rights and obligations relating to the island.

If the Cyprus Question is to be understood it is vital that both of the peoples of Cyprus have a fair and equal opportunity to be heard, and that the subject be examined anew, un-constrained by any position which the Foreign & Commonwealth Office, the United Nations, nor anyone else may have taken.

Regrettably, the Greek Cypriots have been able, using the governmental status to which they are not entitled, to silence the Turkish Cypriot voice, and shut them out of all official channels of communication, so that "Cyprus" has come to mean "Greek Cyprus." No other significant group of people anywhere in the world is treated as the Turkish Cypriots have been treated. It is time therefore that the world began to listen to the Turkish Cypriot

point of view and to question the assumptions from which the Greek Cypriots have profited for so long.

Although the Turkish Cypriot leader, President Rauf Denktaş, has often met with the UN Secretary General, and has also had talks with the US Secretary of State, British Ministers would not until recently talk with him and they expected him to communicate via officials. They do however meet frequently with the Greek Cypriot leader. They would always say that a meeting with President Denktaş "would not be helpful at the present time," but this policy has been severely criticised by senior British Members of Parliament as being contrary to the principles of natural justice. One of those principles is that both sides of the case must always be given a fair and equal hearing.

A welcome development was the visit by British Foreign Secretary Rifkind to Northern Cyprus on 16th December 1996 and his meeting there with President Denktaş. The Labour Minister, Robin Cook, also met President Denktaş whilst shadow foreign secretary, and the Minister of State at the FCO, Joyce Quinn met him in Northern Cyprus on 23 April 1999. Foreign Office Minister Keith Vaz also met him in March 2001. The British Prime Minister and the US President should meet the Turkish Cypriot President themselves without further delay.

The Turkish Cypriots and Greek Cypriots have been negotiating for 25 years, and have not reached agreement on a future political association between them. The Turkish Cypriot leaders suspended the UN Proximity Talks in November 2000 after eleven months when it became clear to them that UN mediation was not helpful and that, unless the international political environment changed, the Greek Cypriots were not going to agree to anything which the Turkish Cypriot people could accept. In September 2001 they invited the Greek Cypriots to direct talks. There was no response, and the invitation was repeated in writing on 8<sup>th</sup> November 2001.

The offer appears to have thrown the UN into confusion. Speaking at his news briefing on 8<sup>th</sup> November UN spokesman Eckhard told reporters that if there was such an offer from the Turkish Cypriot

leader, the UN would welcome it as a pleasing development. Later, he made a statement that the offer of Denктаş was not addressed to the UN, so any comment on it from the UN would be inappropriate!

On 15<sup>th</sup> November Clerides accepted the invitation provided a UN official could also attend the talks. Denктаş agreed to this.

The Turkish Cypriots are almost always accused of obstructing progress, but *as proven by specific official documents submitted by the Turkish Cypriot side – by Denктаş as its representative – in the first as well as in second phase of the intercommunal talks, it is the Greek Cypriot side which rejected substantial concessions of the other side and rejected a compromise solution to the Cyprus problem.*<sup>1</sup>

The Greek constitutional expert Michael Dekleris, who took part in the negotiations as an advisor to the Greek Cypriot side wrote<sup>2</sup> *“in July of 1968 the best opportunity appeared for the [intercommunal] dialogue. Denктаş played the most energetic role and made dramatic concessions on practically all constitutional issues. What he offered must be considered as the maximum of Turkish concessions which represented a big improvement on the Zurich regime”*

The root of the problem is the destruction of the 1960 Constitution by the Greek Cypriots in 1963, and their persecution and attempted genocide of the Turkish Cypriots until Turkish soldiers rescued them in 1974. The British Air Chief Marshal Sir Michael Graydon recalled<sup>3</sup> that *“No one who lived as I did in Cyprus in the 1960's will forget what was happening then. It was an attempt at the systematic elimination of one part of the community. It was ethnic cleansing before that phrase came into vogue in the Western media.”*

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<sup>1</sup> Greek Cypriot journalist Andreas Fantis, *Fileleftheros*, 22-23/June 2001.

<sup>2</sup> M. Dekleris-*The Cyprus Problem, 1972-1974, The Last Chance*, page 47-48.

<sup>3</sup> Seminar in London 16<sup>th</sup> February 2001.

In John Reddaway's view<sup>4</sup> *"On 21<sup>st</sup> December 1963...the Greek Cypriots launched a major attack on Turkish Cypriots in Nicosia. It was planned and premeditated. By a ruse... the Turkish Cypriot police had been disarmed the day before and the Turkish Cypriots were largely defenceless"*

They tried again in 1967 and 1974 *"During the military operations in 1974 the Turkish army captured documents which proved that the Greeks and Greek Cypriots had prepared military plans for the extermination of the Turkish Cypriots; these were published in English in 1977 and the original documents in Greek are available for inspection. The plans were prepared with the knowledge and approval of the Makarios Administration before the coup took place."*<sup>5</sup>

It is quite remarkable that the Greek Cypriots have persuaded themselves and the world that none of this happened, and that there were just a few intercommunal skirmishes.

There are two main reasons for the impasse today. The first is that Britain and the US have encouraged the world to treat the Greek Cypriots alone as the government of all Cyprus, despite Britain's own acknowledgement<sup>6</sup> that "Cyprus Government" could mean only a government which acts with the concurrence of its Turkish Cypriot and Greek Cypriot members.

There has been no concurrence since 1963, and there is no "doctrine of necessity" which allows one partner to assault and terrorise the other and then claim the right to run the State alone. The Greek Cypriots have been asking the Turkish Cypriots to go back since 1967, but on terms which abrogate their basic rights and which they could not possibly accept. Nor could the Greek Cypriots be trusted, for even today racial hatred against Turkish people is incited in their schools, churches and military camps.

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<sup>4</sup> Reddaway, John OBE, CMG *"Burdened with Cyprus-the British Connection."* Weidenfeld & Nicholson 1986 p. 146. Reddaway was Administrative Secretary to Sir John Harding and Sir Hugh Foot and had served in Cyprus for 20 years.

<sup>5</sup> Reddaway, op. cit. 184, and Haktanir "Do You Remember the Iphestos Files?" 2001.

<sup>6</sup> FO telegram 1131 of 12th March 1964

The Greek Cypriots have no incentive to settle so long as they continue to be treated as the “Government of Cyprus,” and enabled to keep the Turkish Cypriots for so long as they please under an embargo<sup>7</sup> against their trade and communications without any authority under Chapter VII of the UN Charter.

The second reason for the impasse is that the European Union has given the Greek Cypriots the prospect of membership whether they settle with the Turkish Cypriots or not<sup>8</sup>, despite the clear prohibition in Article 1 of the 1960 Treaty of Guarantee which two EU members - Greece and the UK – have signed<sup>9</sup>. The Greek Cypriots now see EU membership as a means by which they can use political, legal, and perhaps even military, pressure to remove Turkey from Cyprus and leave the Turkish Cypriots again at their mercy. Article 2 of the Treaty puts Britain under a legal duty to veto their unilateral application<sup>10</sup> but Britain has so far brushed it aside. They say “we place a different interpretation on the Treaty” but have produced no legal arguments which invalidate any of the points made in Prof. Mendelson’s Opinion.

The issue is not how much progress the Greek Cypriots have made in adjusting their economy and legislation to EU conditions. Cyprus is the Turkish Cypriots’ home as much as the Greek Cypriots’ and it would be quite wrong for one to take it into the EU without the consent of the other. Nor can Cyprus lawfully join unless Turkey waives the prohibition contained in Article 1 of the 1960 Treaty. The Turkish Cypriots and Turkey would be willing to consent, but there must first be a settlement which would make it

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<sup>7</sup> See Haktanir “Under the Shadow of the Embargo” 2001 Center for Strategic Research

<sup>8</sup> EU Summit, Helsinki 1999

<sup>9</sup> written opinions (ISBN 0-9540675-1-7) dated 6<sup>th</sup> June 1997 (UN doc. A/51/951-S/1997/585) 21<sup>st</sup> July 1997, 12<sup>th</sup> September 2001 and 3<sup>rd</sup> March 2002 in which he considers in detail the arguments to the contrary advanced in joint written Opinions obtained by the Greek Cypriot Administration from Professors Crawford, Hafner and Pellet. See also Prof. Peter Perenthaler, Univ. of Innsbruck, Austria, Paper delivered at seminar in Jerusalem 1998

<sup>10</sup> Mendelson op. cit.

possible to implement the *acquis* in the special circumstances of Cyprus, and preserve the regional balance.

Until that happens, the “Government of Cyprus” is unable to secure compliance with the 1993 Copenhagen Accession Criteria<sup>11</sup> in the whole of Cyprus, as it does not have the allegiance of the people who live in the North

It is absurd that the Greek tail is allowed to wag the European dog with threats to veto enlargement, and Greece must be persuaded of the unacceptability of its position. The EU has recently made it clear that another small country – Ireland – will not be allowed to obstruct enlargement. If the Greek Cypriots join the EU without a settlement, they would *never* agree to Turkey’s membership, and they would irreparably damage Europe’s relations with a country of 65 million people of enormous strategic and commercial importance.

There is no good reason why Greece should be allowed to push the European Union into those risks for the sake of less than a million Greek Cypriots who do not even have law or morality on their side. The accession of Cyprus will have to wait.

In April 2001 President Denktaş of Northern Cyprus wrote as follows to the UN Secretary General:

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<sup>11</sup> The candidate country has achieved (a) stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;

(b) the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union

(c) the ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.

And (d) has created the conditions for its integration through the adjustment of its administrative structures, so that European Community legislation transposed into national legislations implemented effectively through appropriate administrative and judicial structures.

*“The EU must be made aware of the damage that it has done to the prospects for a settlement in the island by processing the unilateral and unlawful application made by the Greek Cypriot administration for accession to the EU, and the damage it continues to do by insisting on this totally wrong and misguided policy. Our repeated representations and efforts to make the EU, both as an institution as well as its individual member countries, understand and appreciate the possible consequences of this one-sided policy, have unfortunately been ignored.*

*Let alone heeding our repeated calls and demarches in this respect, the EU is now seriously entertaining the offer of the Greek Cypriot administration to contribute to the EU Headline Goal within the context of the EU Common Security and Defence Policy. If the Greek Cypriot side succeeds in this endeavour also, it will have completed its policy of engaging the EU in the military as well as the political aspects of the Cyprus issue, to the detriment of the Turkish Cypriot party and all efforts aimed at reconciliation.”*

There are many in the West who take the superficially attractive view that in the 21<sup>st</sup> century it is anachronistic to have fortified borders and that the situation in Cyprus, based as it is on separation of racially different peoples, is a kind of apartheid. However, in view of what has happened, and which is briefly described in these pages, the Turkish Cypriots have every right to defend themselves against the Greek Cypriots and to keep them out of Northern Cyprus. If they did not, they would be subjected to real apartheid, as they were from 1963-74 despite international guarantees, in which they the Turkish Cypriots were dominated and relegated to the position of second-class citizens, pending their murder or expulsion from the island.

The racists are the Greek Cypriots who tried to annihilate Turkish Cypriot men women and children simply because they were ethnically Turkish, and who persecuted and oppressed them for eleven years until Turkish soldiers rescued them. The Turkish Cypriots have at least as much right to protect themselves against the Greek Cypriots as the Albanian people of Kosovo had against

the Serbs. If people do not wish to live together, why should they be forced to do so by others who will not themselves have to suffer the consequences?

The Security Council has often called upon States to respect the “independence and territorial integrity of the Republic of Cyprus” but not even the UN Secretary General himself any longer believes in its “territorial integrity” nor in Security Council warnings against “partition,” as the plan annexed to the UN’s own “Ghali set of Ideas” shows a Cyprus clearly divided between North and South. Insofar as the “independence” of Cyprus is constrained by the 1960 Treaties, the Security Council has never attempted to declare them invalid. Moreover, the Security Council has never accused Turkey of invasion or occupation.

The Greek Cypriots claim that the Cyprus problem was caused by the landing of Turkish troops in 1974 and that if only they would withdraw, the problem would be solved. This is a serious misconception, for the landing of Turkish troops was the consequence, not the cause, of the problem. Moreover, there were in fact two military actions in 1974; the first was by Greece and the Greek Cypriots, which caused the second by Turkey.

The Greek Cypriot political parties DIKO and EDEK “*are acting as if the Cyprus problem began and ended in 1974. They refrain from talking about the previous coups. The first coup was not in 1974, but only a few years after we had attained our independence (in 1960). Had it not been for the first coup there would not have been the 1974 coup.*”<sup>12</sup>

The inhabitants of Cyprus have no common language except English and no common religion; nor have they any common culture. In March 1963 the Greek Cypriot leader, Archbishop Makarios said “*The [Independence] Agreements have created a State, but not a Nation.*”<sup>13</sup> This being so, any approach to the Cyprus question which regards Cypriots as a nation is

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<sup>12</sup> Greek Cypriot journalist, Aleccos Constantinides, *Alithia* 14.12.85

<sup>13</sup> Cyprus Mail 28.3.63

fundamentally flawed. *"The famous Cypriot consciousness was invented and encouraged by the British in the 1920s"*<sup>14</sup>

There are in fact two peoples of Cyprus - the Turkish Cypriots numbering about 200,000 and the Greek Cypriots numbering about 600,000. The Turkish Cypriots are mainly Moslems and the Greek Cypriots are mainly adherents of the Greek Orthodox Church. The UN Secretary-General made it clear in 1992 (UN doc. S/24472) that sovereignty *"emanates equally from both communities. One community cannot claim sovereignty over the other."*

*"The Turkish Cypriot community possesses the same political status as the Greek Cypriot community. The two communities participate in negotiations for the settlement of the Cyprus question on an equal footing, and the Greek Cypriot community should not enjoy any privileged position in the negotiations whether on substance or procedure by reason of the fact that it presents itself as the Government of the Republic of Cyprus."* Eli Lauterpacht CBE QC (Opinion - UN doc. A/44/968, S/21463 (1990).

*"Neither of the two peoples possesses the de jure or de facto power to deny or overrule the right of self-determination of the other"*<sup>15</sup>

Cyprus has never been part of the Greek state. It lies 40 miles from the coast of Turkey, and people from the Turkish mainland have inhabited the island since the earliest times. Cyprus is 250 miles from the nearest Greek island (Rhodes), and Athens is 460 miles away.

The Cyprus question can be stated shortly as follows: The partnership republic formed in 1960 between the two peoples of Cyprus was destroyed in 1963. For the time being, Greek and Turkish Cypriots live apart. Does the future of Cyprus lie in a close political association or in an arms length relationship based on willing and active co-operation between political equals, each

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<sup>14</sup> Prodromos Prodromou *The Guardian* 30th January 1995

<sup>15</sup> Pernthaler, op.cit.

secure in its own sovereign territory and each with its own customs, traditions and identity?

No solution to the Cyprus problem will work unless it is freely accepted by the inhabitants of the island who will have to live with it. Otherwise, there will be bloodshed again and there could be war between Turkey and Greece. There is therefore no point in trying to put pressure on Greece or Turkey to force either or both of the parties in Cyprus to accept what is to them unacceptable.

The idea that Turkey can be pressurised, for the sake of Turkey's own European aspirations, to force the Turkish Cypriots into a settlement which would put them again at risk, is both unprincipled and unrealistic. Moreover, if pressure is to be applied, why only on Turkey? Why not on Greece and the Greek Cypriots? It would also be unrealistic for the Greek Cypriots to take any comfort from the idea that economic pressure will force Turkish Cypriots to emigrate, for they have been and will continue to be, replaced by Turkish families from the mainland, just as the Greek Cypriots have themselves allowed immigration from Greece and elsewhere into the South.

Everyone who wishes Cyprus well prefers to look to the future but many commentators will readily use the events of 1974 to argue that the present state of affairs is unacceptable. They do not however go back before 20th July 1974. In paper after paper delivered at international conferences Greek Cypriot ministers, lawyers, and officials begin their historical account in 1974, and in a legal textbook of more than 600 pages published in 2000, there is no mention of the events of 1963-74 which invalidate almost every one of the legal arguments made in the book. Refusal to consider the preceding 15 years means that important legal and political questions wrongly determined in favour of the Greek Cypriots remain undisturbed and remain a continuing source of friction between the parties.

The most important of these is international treatment of the Greek Cypriot regime as the government of all Cyprus, and refusal to recognise the right of the Turkish Cypriots to establish their own

state. It is therefore necessary to look in some detail at the reasons why the present situation has arisen and why, in consequence, both sides and particularly the less numerous Turkish Cypriots need reliable safeguards for their future.

One of the most remarkable features of the Cyprus question is the extent to which the Greek Cypriots have been able to repudiate solemn international agreements and violate the human rights of the Turkish Cypriots on a massive scale and yet by a quite astonishing feat of public relations, have secured for themselves recognition as the government of all Cyprus and have persuaded the world that they, and not the Turkish Cypriots, are the injured party. The consequence of this is that they have been able to extract one-sided resolutions from the United Nations and other international organisations, and have been able to secure court judgments based on the fact of recognition which have been immensely damaging to the Turkish Cypriots (see the sections on Property, Human Rights, and Trade Embargo below).

For more than thirty years past - ever since the overthrow of the 1960 Agreement - the Turkish Cypriots and their government have been faced with one of the hardest tasks in the whole range of international affairs - how to get the world to change its mind after it has got hold of the wrong end of the stick and clung to it year after year.

It is in the nature of governments and international organisations that they are reluctant to admit that they have been in the wrong, or even to think it possible that they may have been mistaken. But that is the simple truth about the position which the world at large has taken up in regard to Cyprus from 1964 onwards.

The Greek Cypriots have a professional political lobby, which is extremely well financed, and so effective that every time Cyprus is debated in the House of Commons or the American Congress one Greek Cypriot sympathiser after another rises to his feet. It seems impossible to have a balanced debate on the subject.

The Turkish Cypriots have, for more than thirty years, been deprived of an official voice in the world and have been deprived of the financial resources to match the Greek Cypriots in the presentation of their case to the world community. It is the purpose of this handbook to help redress the balance and to lay the foundations for an understanding of the real nature of the Cyprus question.

The Greek Cypriot journalist, Stavros Angelides, wrote in *Fileleftheros* on 16th September 1990 “*With the passage of time we the Greek Cypriots forget, or we wilfully disregard, the events which led to the present situation in Cyprus. We forget our faults and we ask all the more emphatically everybody else to deliver to us justice as we understand it. We talk in generalities and in vague terms about UN Resolutions, and actually mean those which favour us. The others, such as Resolution 649 are not fair - we do not want them - let them go to hell.*”

On 16th August 1985, the Greek Cypriot Daily "Simerini" lamented as follows: "*We believed that we were the centre of the Earth. We thought that we, small and insignificant as we are, would be capable of exercising policy on an intercontinental plane. But above all we underestimated the Turks. The unstable and fickle policy of our leaders has brought us to the brink of total disaster.*"

On 15th August 1996, The Daily Telegraph wrote “*Turkish Cypriots have constitutional right on their side and understandably fear a renewal of persecution if the Turkish army withdraws.*”

*“Greek and Turkish Cypriots living in harmony together is a nice idea but it’s a dream. I saw the reality and realised that division is the best thing for both.”* Hugo Gobbi, former UN Special Representative for Cyprus (*Cyprus Mail* 12th October 1995).

The driving force behind Greek Cypriot actions is the Greek Orthodox Church, which dreams of Hellenising Cyprus and annexing it to Greece. They will encourage the appearance of

negotiations for as long as it is to their advantage, but they will never give up their claim to the whole island and will therefore never allow the Greek Cypriot political leaders to agree a settlement which legitimises a geographical base in Cyprus for the Turkish Cypriots. This church is immensely rich and powerful in Southern Cyprus, but there is no comparable force in the North. Although most Turkish Cypriots are Moslems they hardly ever attend the mosque, and their religious leaders have very little if any political power.

## **II INDEPENDENCE FOR CYPRUS**

### **The Colonial Period**

Cyprus became part of the Turkish Empire in 1571, at which time the population was a mixture of people whose origins were in many different parts of the Eastern Mediterranean and Europe. More than three hundred years later, on 4th June 1878, the island was leased to Britain by Turkey on terms that it was to be returned to Turkey when Britain no longer wanted it. However, Britain unilaterally annexed the island in November 1914. By Art. 20 of the Treaty of Lausanne in 1923 Turkey formally accepted this annexation and Britain declared the island a Crown Colony on 1st May 1925.

On 10th January 1881 the High Commissioner in Cyprus informed the British Colonial Secretary (CO 67/18) that there were about 600 Hellenic subjects on the island. Greece began to encourage emigration to Cyprus and sent teachers, lawyers, doctors, and priests to organise the Greek community in the island in favour of annexing the island to Greece (ENOSIS). On 17th April 1895 the British Magistrate in Nicosia wrote that Greek schoolchildren had been organised to march through the Turkish quarter singing songs about “*the slaughter of the hated Moslems.*” This kind of demonstration was still happening in 1999.

On 4th August 1900, the High Commissioner informed the Colonial Secretary (CO 67/124/26615) that the whole Greek school system on the island was being used as an organisation for Hellenic propaganda. *This is still true today.*

On 19th December 1912, during the Balkan wars, the Acting High Commissioner sent a petition from the Turkish Cypriots to the Colonial Secretary urging him not to hand Cyprus over to Greece. The Acting High Commissioner added (CO 67/167/41168) "*I fear that the Moslems have only too good a reason to be apprehensive for their lives and property if the Hellenic element gets the upper hand.*" During this period many Turkish Cypriot families were forced by poverty and by fear of a Greek takeover to emigrate to Turkey. At the outbreak of war in 1914 many more left, and between then and 1939 about 80,000 Turkish Cypriot families had settled in Turkey alone.

There is no doubt that ENOSIS (annexation to Greece), invested as it is with the most intense religious and nationalistic overtones, has been and perhaps still is, the principal obstacle to good relations between the Turkish Cypriots and the Greek Cypriots, and even between Turkey and Greece. On 20th October 1950 on the occasion of his enthronement as Archbishop, the future President of Cyprus, Makarios, declared "*I take the Holy Oath that I shall work for the birth of our national freedom and shall never waver from our policy of uniting Cyprus to mother Greece.*" Of course, Greek Cypriots today are much richer than they were in 1950 and many more of them have urban and cosmopolitan lifestyles, but attitudes deeply rooted in religion and nationalism are not easily changed.

The more recent Greek Cypriot leader, George Vassiliou, spoke of Cyprus on 26th January 1989 as "a Greek island and a bastion of Greece." That is the crux of the problem, for Cyprus is not a Greek island, but an island which belongs to both Greek and Turkish Cypriots.

As long ago as 1907 Winston Churchill (then Under-Secretary of State for the Colonies) said: "*I think it only natural that the*

*Cypriot people of Greek descent should regard their incorporation with their mother country as an ideal to be cherished; but I trust that those who feel so earnestly will not forget that they must show respect for the similar feelings of others."*

The Turkish Cypriots are just as fervently committed *against* the annexation of Cyprus to Greece, but they do not advocate the annexation of Cyprus to Turkey, knowing that it would be just as objectionable to the Greek Cypriots as ENOSIS is to themselves. Today they see integration of Northern Cyprus with Turkey as a last resort, if all else fails.

Britain decided to decolonise the island, and in the House of Commons on 19th December 1956 the Colonial Secretary, Alan Lennox-Boyd, pledged that *"it will be the purpose of Her Majesty's Government to ensure that any exercise of self-determination should be effected in such a manner that the Turkish Cypriot community, no less than the Greek Cypriot community, shall in the special circumstances of Cyprus be given freedom to decide for themselves their future status."*

Churchill's advice was ignored by the Greek Cypriots, and from 1955 to 1960 the Greek Cypriot EOKA organisation, under the leadership of General Georgios Grivas, fought for ENOSIS; not independence. During the conflict hundreds of British people, Turkish Cypriots, and Greek Cypriots were murdered, and thousands of Turkish Cypriots fled from mixed villages where their homes and possessions had been destroyed.

### **The 1960 Agreements**

Although by then the Greek Cypriots were more numerous, the Turkish Cypriots had lived in Cyprus for more than 400 years as a distinct community; and in exercise of their right of self-determination they were willing to join in forming a new Republic embracing the whole of the island (less the British sovereign bases) only if that basic fact of political life in Cyprus was formally recognised.

The alternatives were two separate states, a condominium, division of the island between Greece and Turkey, restoration to Turkey, or continued British rule. The negotiations in Zurich and London preceding independence were long and difficult, but it was eventually agreed by way of compromise between all five participants; Britain, Greece, Turkey, the Turkish Cypriots, and the Greek Cypriots; that the new state would be a bi-communal Republic with a single territory but a unique Constitution<sup>16</sup> which embodied an agreed political partnership between Greek and Turkish Cypriots, and which prohibited the political or economic union of Cyprus with any other State.

At the conclusion of the negotiations the Greek Cypriot leader, Archbishop Makarios, said "*Sending cordial good wishes to all the Greeks and Turks of Cyprus, I greet with joy the Agreement reached and proclaim with confidence that this day will be the beginning of a new period of progress and prosperity for our country*".

On 6th March 1959 President Eisenhower endorsed the agreement as "*a victory for common sense*" an "*imaginative act of statesmanship,*" and "*a splendid achievement.*" (US Dept. of State Bulletin p. 367).

In the first Presidential elections in Cyprus Mr. John Clerides (father of Glafcos Clerides) stood against Makarios on a platform of opposition to the 1960 Agreements and lost by a majority of two to one of the Greek Cypriot electorate. Greek Cypriots now claim that they were pressurised into accepting the Agreements, but so were the Turkish Cypriots. The Agreement was a compromise for them both, and they should both have been expected to implement it in good faith. The Greek Cypriots did not, and they are now seeking to bring international pressure to bear on Turkey to force the Turkish Cypriots to accept a settlement on terms unacceptable to them.

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<sup>16</sup> Cmd. 1093

The bi-communal structure was fundamental to the 1960 accords, on the basis of which the Republic of Cyprus achieved independence, and recognition as a sovereign state from the international community. Accordingly, from its very inception the Republic of Cyprus was never a unitary state in which there is only one electorate with a majority and minority. The two communities were political equals and each existed as a political entity, just as both large and small states exist within the structure of the European Union. They did not however have the same constitutional rights because the agreements took into account the fact that there were more Greek Cypriots than Turkish Cypriots.

The means by which the Constitution gave effect to the agreement were fourfold; political, legal, administrative, and military. The President was to be a Greek Cypriot and the Vice-President a Turkish Cypriot. Legislative authority was vested in a House of Representatives, of whom 70% would be Greek Cypriots and 30% Turkish Cypriots, but legislation and executive action on specified matters required the concurrence of both the President and Vice-President, including in particular foreign affairs. Moreover, legislation relating to certain matters of sensitivity as between the two communities required a separate majority of representatives from each community.

It is important to note that the President, the Vice-President, and the Members of Parliament were all elected by members of their own community. The Greek Cypriots have therefore never had the right to elect all those officials themselves and to create a government wholly within their control.

A Treaty of Alliance (Cmnd. 1093) permitted Greece to station 950 troops in Cyprus and Turkey 650 troops. A Treaty of Establishment reserved to Britain as its sovereign territory two military bases, one in the south at Akrotiri, the other on the border between north and south at Dekhelia. Certain other small areas of land were designated for use by Britain, the most important of which is a site high on the Troodos mountains where an electronic intelligence station is located.

The Turkish Cypriot people, knowing that they could not enforce the agreement themselves, would never have agreed to join the 1960 Republic if the Greek Cypriots had not also accepted a Treaty of Guarantee which gave Turkey a legal right to intervene, with troops if necessary. The parties to the Treaty were the United Kingdom, Turkey, Greece, and the Republic of Cyprus. The Turkish Cypriots had seen what happened to the Turkish people of Crete under Greek hegemony, and knew that there would be no future for them in Cyprus without a Turkish military guarantee.

Independence was formally granted on 16th August 1960.

The case of Cyprus is *sui generis*, for there is no other State in the world which came into being as a result of two politically equal peoples coming together by the exercise by each of its sovereign right of self-determination, to create a functional federation within a single territory, and guaranteed by international treaty, to which each of them consented.

### III CONSTITUTION IGNORED

It became clear very soon after independence that the Greek Cypriots did not intend to abide by the Constitution, and that their entry into that solemn legal obligation with the Turkish Cypriots in 1960 had been a deception. On 28th July 1960 President Makarios said *"the agreements do not form the goal - they are the present and not the future. The Greek Cypriot people will continue their national cause and shape their future in accordance with THEIR will.*

In a speech on 4th September 1962, at Panayia, Makarios said *"Until this Turkish community forming part of the Turkish race which has been the terrible enemy of Hellenism is expelled, the duty of the heroes of EOKA can never be considered as terminated."*

It would be difficult to imagine a more vindictive, racist, policy than this. It is also an expansionist policy – the very charge which

the Greek Cypriots laid against Turkey when Turkey intervened twelve years later to put an end to it.

The Turkish Cypriots were told by the outside world to take no notice of statements of this kind. They were told that they were just rhetoric, or were for internal consumption within the Greek Cypriot community. However, the Turkish Cypriots were to discover that when Greek Cypriot leaders make statements of that kind they should be taken seriously. Similar statements are being made by Greek Cypriot leaders today, and Turkish Cypriots are still being urged not to take them seriously.

Article 173 of the Constitution provided for separate municipalities for Turkish Cypriots in the five main towns. The Greek Cypriots refused to obey this mandatory provision and in order to encourage them to do so the Turkish Cypriots said they would not vote for the Government's taxation proposals. The Greek Cypriots remained intransigent, so the Turkish Cypriots took the matter to the Supreme Constitutional Court of Cyprus. The court comprised one Greek Cypriot judge, one Turkish Cypriot judge, and a neutral President.

In February 1963 Archbishop Makarios declared on behalf of the Greek Cypriots that if the Court ruled against them they would ignore it.<sup>17</sup> On 25th April 1963 the Court did rule against them (*Turkish Communal Chamber v Council of Ministers* 5 CLR (1963) 59, 77, 78) and they did ignore it. The President of the Court (a German citizen) resigned and the rule of law in Cyprus collapsed.

In November 1963 the Greek Cypriots went further, and demanded the abolition of eight of the basic articles which had been included in the 1960 Agreement for the protection of the Turkish Cypriots, to which abolition the Turkish Cypriots were naturally reluctant to agree. The aim was to reduce the Turkish Cypriot people to the status of a mere minority, wholly subject to the control of the Greek Cypriots, pending their ultimate expulsion from the island.

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<sup>17</sup> Cyprus Mail 12.2.63

They had prepared a written plan for this purpose, called the Akritas Plan.

Glafcos Clerides, the current Greek Cypriot President, has written his memoirs, entitled *“Cyprus – My Deposition”* in four volumes, published by Alithia publishing company, Nicosia, 1989-1991. In these memoirs he admits that there was no need for constitutional amendments. According to him, *“Makarios, at the head of the bicomunal state of Cyprus, had decided to proceed, stage by stage, to the unilateral abrogation of the rights granted to the Turkish community by the Zurich and London Agreements and to reduce its political status to a minority, using prematurely, the excuse of the unworkability of certain provisions of the constitution.”*

He goes on to say that *“An honest evaluation of the situation during the period 1960-63, divorced from propaganda tendencies would lead to the conclusion that there was no need to press for constitutional amendments”*. Nevertheless according to Clerides the Greek Cypriot leader Makarios *“refused to accept practical solutions failing short of constitutional amendments”* in spite of the fact that Clerides had himself *“reached an agreement with the Turkish Cypriot side for a series of practical solutions”*.

Clerides admits that *“the delicate period of 1960-63, when both communities were questioning the sincerity of the other over their real commitment to independence, was not the proper time to request constitutional amendments on the grounds that the constitution was unworkable, **when in fact unworkability could not be established”**.*

Greek Cypriots today often claim that constitutional amendments were inevitable because the Turkish Cypriots abused their veto power, but according to Clerides:

*“The veto powers were not used either by the President or the Vice President on any law or decision of the House of Representatives. The Vice President used once, I believe, his veto power on a decision of the Council of Ministers relating to the composition of*

*the units of the army of the Republic. The Greek Cypriot side was actually pleased the Vice President used his veto on defence because it happily prevented the implementation of the army consisting of sixty per cent Greek Cypriots and forty per cent Turkish Cypriots.”*

*“The Vice President did not use his veto powers on the issue of foreign policy, despite the divergence of opinion in the Council of Ministers between Greek and Turkish members on the policy to be followed.” Furthermore, “there was no difficulty in promulgating the decisions of the Council of Ministers and the laws of the House of Representatives.”*

In his memoirs, President Clerides publishes part of the “*Akritas Plan*” which aimed to achieve Greek Cypriot domination through military attacks on the Turkish Cypriots: *“We the Greek Cypriots were deciding our policy and drawing up a plan by virtue of which, stage by stage, by unilateral actions we would abolish the excessive rights granted to the Turkish minority, beginning with those amendments that were easier to make unilaterally and leaving the most difficult ones after our right to unilateral amendments was established by a de facto process.”*

In Volume I, pages 212-219 Clerides explains that *“The Plan proceeded on the assumption that if we moved stage by stage, without revealing the subsequent stages before the previous one was completed, it would be difficult for Turkey to intervene militarily, provided that we did not attack the Turkish community. Another conclusion of the Plan was that once we had convinced international opinion that our constitution was unworkable, and if we proceeded on that basis, we would have international support even for unilateral amendments. Finally, it provided that Enosis - Union with Greece - should neither appear to be nor be declared to be our goal. Internationally, we should, at the appropriate time after the fetters of the Treaties of Guarantee and Alliance were abolished, present our case as a demand for the exercise of self-determination. Such a course would gain us international support and would make it difficult for Turkey to take military action.”*

Clerides continues: *“If the Turkish community resorted to force to prevent unilateral amendments, the security forces would, in the first instance, have the task of maintaining law and order. If they proved inadequate for the task, then the paramilitary organization recruited by the Minister of Interior, Yorgadjis (Akritas), would be called upon to assist them, using such force as was absolutely necessary to put down the Turkish uprising..”* ***If the Turkish Cypriots resist “unilateral amendments of the Constitution” where their rights would be abrogated, the forces of the Minister of Interior will use force to “put down the uprising”.***

*“There is no doubt that, finally, in September 1963, the Greek Cypriot leadership was steering the ship of the Republic, with Makarios at the helm, on a collision course..”*

Clerides quotes further excerpts from the Akritas Plan as follows: *Should clashes occur, they will be dealt with in the initial stages legally, by the legally established legal forces, in accordance with a plan. **All actions will be clothed in legal form.** Effective use of force in dealing with the Turks will facilitate to a great extent our subsequent actions for further amendments. It would then be possible for unilateral amendments to be made, without any Turkish reaction, because they will know that their reaction will be weak or seriously harmful for their community. In the event of clashes becoming more general we must be ready to proceed with actions described in (a) to (b) including the immediate declaration of Enosis because then there would be no reason to wait for room for diplomatic action.”*

Lt. General George Karayiannis (the mainland Greek Army Officer then in command of the Cyprus Army) told *Ethnikos Kiryx*, an Athens Daily, on 13th June 1965 that *“President Makarios decided to proceed with the following: ( a) to organise the Greek Cypriots for battle and arm them, (b) to proceed with the revision of the Constitution, including the cancellation of the Vice-President’s Veto.”*

In Volume 1 page 223 Clerides admits *“it is true that the Greek Cypriots attempted to bring under our control the northern suburbs of Nicosia, which were predominantly inhabited by Turkish Cypriots. It is also true that acts of disregard for human life and brutality were committed by some Greek Cypriots”*

At Christmas 1963 the Greek Cypriot militia attacked Turkish Cypriot communities across the island. Hundreds of their men, women, and children were killed and injured, and 107 of their mosques, shrines and other places of worship were desecrated. A secret despatch<sup>18</sup> from the British High Commissioner in Nicosia to London sent on 21st December 1963 says: *“Situation in Nicosia took further turn for the worse at about 10.30 am today with shooting by police of two Turkish Lycee youths standing with friends in front of the school. [The Turkish Cypriot leader] Küçük has appealed to his community to keep calm and has arranged to call on Makarios to request Commission of Enquiry.*

*Müftüzade (Küçük’s Under-Secretary) has meanwhile called on me on Küçük’s instructions to represent the seriousness of the situation. He said that all Greek police are now armed while the Turkish police are not. The Greek police are patrolling Nicosia displaying their arms (sten guns) in a most threatening way and seem bent on provoking the Turks.”*

Thereafter Turkish Cypriot MP's, judges, and other officials were intimidated or prevented by force from carrying out their duties. On 2nd January 1964 the Daily Telegraph wrote *“The Greek Cypriot community should not assume that the British military presence can or should secure them against Turkish intervention if they persecute the Turkish Cypriots. We must not be a shelter for double-crossers.”*

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<sup>18</sup> number 1014

The UK House of Commons Select Committee on Foreign Affairs reviewed the Cyprus question in 1987,<sup>19</sup> and reported unanimously on 2nd July that, *"Although the Cyprus Government now claims to have been merely seeking to "operate the 1960 Constitution modified to the extent dictated by the necessities of the situation" this claim ignores the fact that both before and after the events of December 1963 the Makarios Government continued to advocate the cause of ENOSIS and actively pursued the amendment of the Constitution and the related treaties to facilitate this ultimate objective"*.

The Committee continued : *"Moreover in June 1967 the Greek Cypriot legislature unanimously passed a resolution in favour of ENOSIS, in blatant contravention of the 1960 Treaties and Constitution."* (Art. 1 of the Treaty of Guarantee declares prohibited any action likely to promote directly or indirectly union with any other state or partition of the island, and Art. 185(2) of the Constitution is to similar effect).

And at para. 28 *"The effect of the crisis of December 1963 was to deliver control of the formal organs of Government into the hands of the Greek Cypriots alone. Claiming to be acting in accordance with "the doctrine of necessity" the Greek Cypriot members of the House of Representatives enacted a series of laws which provided for the operation of the various organs of government without Turkish Cypriot participation."*

Insofar as the Constitution became unworkable, it was because the Greek Cypriot leadership refused to respect the obligations to which they had agreed. The doctrine of necessity in international law applies to supervening impossibility due to extraneous and unforeseen causes. It does not apply to self-induced causes.

Even Greece was embarrassed by this behaviour. On 19th April 1963 Foreign Minister Averoff wrote to Makarios *"It is not permissible for Greece in any circumstances to accept the creation of a precedent by which one of the contracting parties can*

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<sup>19</sup> H.C. no. 23 of 1986-87 - 7<sup>th</sup> May 1987

*unilaterally abrogate or ignore provisions that are irksome to it in international acts which this same party has undertaken to respect."*

The 1960 Constitution had, by Article 182, expressly provided that its basic Articles could not be amended, whether by way of variation, addition, or repeal. Any such change to the Constitution would require agreement with the Turkish Cypriots and the Guarantor powers, but this was never done.

The UK Commons Committee continued at para, 29 *"Equally damaging from the Turkish Cypriot point of view was what they considered to be their effective exclusion from representation at, and participation in, the international fora where their case could have been deployed....."* *"An official Turkish Cypriot presence in the international political scene virtually disappeared overnight."* It is not therefore surprising that the world has been persuaded to the Greek Cypriot point of view.

In 1963 the British knew full well that Makarios was acting illegally and they also knew that Britain had itself signed a treaty of guarantee, which at the very least obliged them to give the Turkish Cypriots effective protection against attempted genocide (see "The Events of 1974" below)

But, having recently disengaged from a war with EOKA, it did not suit Britain to get involved in Cyprus again - and there was of course the question of the British bases. The Treaty of Guarantee was an inconvenient piece of paper which could be ignored without any serious adverse consequences. British forces in Cyprus at the time did what they could, but their government did not have the will to take a determined stand against the aggressors, and they had therefore to act as intermediaries and carriers of humanitarian relief.

Grand strategists will always use the rule of law when it supports and advances their interests, but they will never let it stand in their way when it does not.

Throughout the 1960-63 period of his Presidency, and before, Makarios had been assiduously courting the "Non-aligned Movement" of which the Burmese UN Secretary-General, U Thant, was an enthusiastic supporter. Makarios had also been courting the

Soviet Union and its satellites. When therefore the Cyprus question came before the Security Council in February 1964 he was in a strong position. The fatal step taken by the Security Council was to accept the credentials of the representatives of Makarios after December 1963, despite the protest made to the Council by Vice-President Küçük's telegram of 27th December 1963 that there was no longer a lawful government of Cyprus. This was not simply an internal matter for Cyprus, because the 1960 Constitution was guaranteed by international Treaty, to which a permanent member of the Security Council (Britain) was a signatory.

What the UN should have done was to leave the "Cyprus" seat vacant until such time as constitutional order was restored and allow the representatives of both peoples of Cyprus equal status at the United Nations: Using his priceless but illegitimate advantage Makarios lobbied hard behind the scenes to secure Resolution 186 on 4<sup>th</sup> March 1964, by which the United Nations not only failed to condemn the usurpation of the legal order in Cyprus by force, but by using the words "Government of Cyprus" without defining what they mean, laid the foundation for the world to deal with the Greek Cypriot administration as if it were the lawful Government of Cyprus.

As former Greek Foreign Minister, Bitsios, observed<sup>20</sup> *"In the United Nations issues are not won through speeches in the Council Room, but in hard battling behind the scenes. It is there that the texts of resolutions are bargained, pressures are exerted, and the raw language of vested interests is heard."* The Turkish Cypriots were excluded from this process, and by the time Rauf Denktaş was allowed to address the Council on 28th February the issue had already been decided against him. The Security Council moreover insulted the Turkish Cypriot people by insisting that their leader address the Council as a private individual under Rule 39 of the Rules of Procedure, whilst hearing the Greek Cypriot as the official representative of a Member-State.

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<sup>20</sup> *"The Vulnerable Republic"* 1975

The Greek Cypriots were jubilant. On 5<sup>th</sup> March 1964<sup>21</sup> Makarios declared “*We have secured a resolution in the first phase of our struggle in the international field.*” He added that in his opinion Turkey could no longer intervene under the Treaty of Guarantee.

The Resolution could not have passed if Britain or the United States had voted against it, but their representatives at the UN were instructed to vote for the Resolution. The Turkish Government was willing to accept it only because the term “Cyprus Government” in the resolution must, in their view, mean a government which, according to the [1960] Cyprus Constitution, acts with the concurrence of both its Turkish Cypriot and Greek Cypriot members. As noted above the British government agreed with this definition<sup>22</sup>

However, this was soon forgotten, and the British Government and all others except Turkey accepted the Greek Cypriot administration as if it alone were the Government of Cyprus. This acceptance reflects no credit upon the United Nations, nor upon Britain and the other countries who have acquiesced in it. Having got away with this, the Greek Cypriot leaders were emboldened to believe that at the United Nations they could get away, literally, with murder.

If the use of force by Greek Cypriots to dispossess the Turkish Cypriots and establish themselves as “the Government of Cyprus” is acceptable to the UN what right does anyone have to complain about the use of force later by Turkey? See for example the Secretary-General’s report of 22nd November<sup>23</sup> “*The status quo, which the Security Council has deemed unacceptable, was established through the use of force and is sustained by military strength.*”

Sir Anthony Kershaw MC, MP, Chairman of the UK House of Commons Select Committee on Foreign Affairs until 1987

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<sup>21</sup> Cyprus Mail

<sup>22</sup> FO telegram 1131 of 12th March 1964

<sup>23</sup> 1993 (S/26777, para. 101(c))

explained<sup>24</sup> how the UN came to accept the Greek Cypriots as the Cyprus Government as follows: *"It was decided that UN troops should be sent to preserve order, but the UN can only send troops if the legal government of the country concerned asks for them. The only organisation which could in 1964 be called the Government of Cyprus was the administration headed by Makarios. The Turkish Cypriots pointed out that this was not the legal government of Cyprus but such was the pressure of the times that the UN said: Look your people are dying - let's get the troops out right away and the lawyers can sort it out later.*

*So it was decided, but since that time the UN has treated the Greek Cypriots as the only government of Cyprus, basing this upon a treaty and a constitution which had been repudiated and broken by the Greek Cypriot government itself. I do not deny that the Greek Cypriot government is the de facto government of the South of Cyprus. It has all the attributes of sovereignty, but so has the government of Northern Cyprus."*

In the opinion of Mr. Monroe Leigh, the distinguished American international lawyer<sup>25</sup> *"The mere fact of international recognition, no matter how widespread, cannot excuse or confer legitimacy upon the violations of both constitutional law and international treaty law through which the Greek Cypriot regime usurped the name as well as the government of the Republic of Cyprus."*

There has been no concurrence between Turkish Cypriot and Greek Cypriot members since 1963, and the Greek Cypriots have no legal or moral right to their governmental status. British thinking at the time can be gathered from secret documents released by the Public Record Office in 1994 under the 30 year rule. On 12th August 1964 the UK Representative to the UN, sent a telegram to his government in which he said:

*"What is our policy and true feelings about the future of Cyprus and about Makarios? Judging from the English newspapers and many others, the feeling is very strong indeed*

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<sup>24</sup> in a speech in Cyprus on 23rd October 1990

<sup>25</sup> Written opinion 20.7.1990

*against Makarios and his so-called government and nothing would please the British people more than to see him toppled and the Cyprus problem solved by direct dealings between the Turks and the Greeks. We are of course supporting the latter course, but I have never seen any expression of the official disapproval in public against Makarios and his evil doings. Is there an official view about this, and what do we think we should do in the long run?*

*Sometimes it seems that the obsession of some people with "the Commonwealth" blinds us to everything else and it would be high treason to take a more active line against Makarios and his henchmen. At other times the dominant feature seems to be concern lest active opposition against Makarios should lead to direct conflict with the [Greek] Cypriots and end up with our losing our bases.*

*I ask these questions, partly for background and partly because it really would be useful to know how far you feel we are inhibited from taking up a more actively hostile attitude to the Greek Cypriots. Their representative here is, as you know, a horror. Even the communists are thoroughly fed up with him, and it is therefore not necessary for us to do anything more to weaken his position. But it is curious and sometimes very frustrating to sit in the Security Council and walk around the UN and have to listen to all the stuff about the wickedness of the Turks and their threats of invasion, when I and all my staff know very well what the real state of affairs is and how much Makarios and Co. are to blame.*

*One can say what one thinks of course to a few people, but one cannot produce the evidence or argue the case fully with the vast majority of my UN colleagues so long as the official public attitude seems to be not to say anything rude about Makarios and his gang.*

*These, I realise, are not entirely easy questions and I suspect that the answers may well depend on differences of view and attitude at your end, revolving round such questions as the Commonwealth and the truth about our defence needs.*

Shortly after the Security Council debate concluded in March 1964 the Greek Cypriot leadership, stung by the speech of Denktaş at the UN which revealed the true nature of the Greek Cypriots and

their policies, pushed a resolution through their House of Representatives which prohibited his return to the island. This proved to be a mistake, for the period from then until 13th April 1968 which Denktaş spent in Turkey gave him an unprecedented opportunity to acquaint himself with the machinery of Turkish government and to alert the Turkish Government and people to what was really happening in Cyprus.

By para. 2 of Resolution 186 the Security Council *“Asks the Government of Cyprus, which has the responsibility for the maintenance and restoration of law and order, to take all additional measures necessary to stop violence and bloodshed in Cyprus.”* It was of course the Greek Cypriot “Government” which had *caused* the violence and bloodshed in Cyprus, and continued to do so until July 1974 despite para. 3 of the Resolution which *“Calls upon the communities in Cyprus and their leaders to act with the utmost restraint.”* On one occasion an attack on the Turkish Cypriots, at St. Hilarion castle, was led by the Greek Cypriot “Minister of the Interior” himself, in blatant defiance of the UN.

By para. 4 of the Resolution the Security Council *“Recommends the creation, with the consent of the Government of Cyprus, of a United Nations Peace-Keeping Force in Cyprus”* which became known as UNFICYP and is still there. However, without powers of search and arrest, and with insufficient strength to confront the Greek Cypriot forces, they were unable from 1964 to 1974 to prevent the Greek Cypriots doing as they pleased. Today its role is extremely limited, as the peace is actually kept by the Turkish Army. There is no doubt that if the Turkish Army left, UNFICYP would again be pushed aside by Greek Cypriot forces.

There has never been any consensus between the Turkish Cypriots and the Greek Cypriots as to why UNFICYP is in Cyprus at all. The Turkish Cypriots consider them there to prevent any further abuses of their human rights by the Greek Cypriots. On the other hand the Greek Cypriots think they are there in support of their “Government” and to protect them against any Turkish military response which they might provoke.

At a Press Conference on 14th April 1999 the UNFICYP Chief of Mission, Dame Ann Hercus, said: ***“We are here by consent. The day consent is withdrawn or collapses is the day UN Peacekeepers pack up their bags and go home. Consent and cooperation of the parties to a conflict are essential for peacekeepers to perform their role.”***

It is to be noted that the required consent is the consent of *the parties*, not the consent of one of them, namely “the Government of Cyprus.” The Turkish Cypriots have cooperated with UNFICYP for many years, but they are now entitled to expect formal acknowledgment from the UN that their consent, as well as that of the Greek Cypriots is required.

Dame Ann continued: *“In the end a peace settlement has to be signed by the parties themselves. This cannot be imposed by others.”*

#### **IV MASSACRES OF TURKISH CYPRIOT CIVILIANS**

The civilian massacres of 1963/64, 1967, and 1974 are of such importance to an understanding of the Turkish Cypriot negotiating position to this day that no apology is made for quoting *in extenso* from the contemporaneous reports. The story is told in detail in *“The Genocide Files”* by the British journalist, Harry Scott-Gibbons.<sup>26</sup> In the 1963/64 massacres alone, more than 800 Turkish Cypriot men, women and children were wounded and murdered.

The distinguished philosopher, Michael Moran, of Sussex University, made the following diagnosis of Greek Cypriot attitudes<sup>27</sup>: *“It was because they “were under a kind of ideological spell, a collective mental condition similar to what Marxists used to call “false-consciousness” that the Greek Cypriots could embark upon their particular course of action in December 1963 with all the zeal and confidence they did.*

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<sup>26</sup> ISBN number 0-9514464-2-8

<sup>27</sup> *“Sovereignty Divided”* – 1998 p.12

*Brainwashed through at least a hundred years of purblind school-teaching and sermonising into a set of beliefs pathologically at odds with any plausible account of historical and political realities; lacking contact with a counterbalancing tradition of rational criticism; for the most part incapable of ironic scepticism towards theological obfuscation - the Greek Cypriot leaders were effectively de-sensitised to the equally important rights of the Turkish Cypriots. In this way they were able to treat their Turkish compatriots with such consistent and irrational abuse, hardly noticing that this was in fact what they were doing."*

*"When the Turkish Cypriots objected to the amendment of the constitution Makarios put his plan into effect, and the Greek Cypriot attack began in December 1963<sup>28</sup>"* The General is referring to the notorious "Akritas" plan, which was the blueprint for the extermination of the Turkish Cypriots and the annexation of the island to Greece. This plan was prepared in 1960 before the new constitution had been given any chance to work, and was published in *Patris* on 24<sup>th</sup> April 1966. Its existence is admitted by Clerides.<sup>29</sup>

*"The Akritas Plan destroyed the only compromise ever reached between Greece and Turkey and between Greek and Turkish Cypriots about Cyprus. It revived bloodshed and hatred. It thrust Cyprus and its peoples back into the extremes of ENOSIS and partition. It was bound sooner or later to bring some kind of intervention from Turkey. This rash, wicked, conspiracy was an act of supreme folly by the Greek Cypriot leaders, who still refuse to admit their wrongdoing. They continue to accuse others of bringing undeserved disasters upon them, but the truth is that it was they who broke up the bi-communal state and separated the Greeks and Turks from one another."* <sup>30</sup>

On 25<sup>th</sup> December 1963, in order to protect himself against the military response from Turkey which he expected, Makarios appealed to the three Guarantor Powers to set up a joint truce force.

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<sup>28</sup> Lt. Gen. George Karayiannis of the Greek Cypriot militia. Reported in *"Ethnikos Kiryx"* 15.6.65.

<sup>29</sup> "Cyprus: My Deposition" (Nicosia 1989) Vol. 1 pp 212-219

<sup>30</sup> Rauf Denktaş 4.7.89.

It consisted of 2,700 British troops, but Britain was unable or unwilling to prevent the massacres of Turkish Cypriots which followed.

On 28th December 1963 the Daily Express carried the following report from Cyprus: *"We went tonight into the sealed-off Turkish Cypriot Quarter of Nicosia in which 200 to 300 people had been slaughtered in the last five days. We were the first Western reporters there and we have seen sights too frightful to be described in print. Horror so extreme that the people seemed stunned beyond tears."*

On 1st January 1964 the Daily Herald reported: *"When I came across the Turkish homes they were an appalling sight. Apart from the walls they just did not exist. I doubt if a napalm attack could have created more devastation. Under roofs which had caved in I found a twisted mass of bed springs, children's cots, and grey ashes of what had once been tables, chairs and wardrobes. In the neighbouring village of Ayios Vassilios I counted 16 wrecked and burned out homes. They were all Turkish Cypriot. **In neither village did I find a scrap of damage to any Greek Cypriot house.**"*

On 12th January 1964 the British High Commission in Nicosia wrote to London<sup>31</sup> *"The Greek (Cypriot) police are led by extremists who provoked the fighting and deliberately engaged in atrocities. They have recruited into their ranks as "special constables" gun-happy young thugs. .... Makarios assured Sir Arthur Clark that there will be no attack. His assurance is as worthless as previous assurances have proved."*

On 14th January 1964 the Daily Telegraph reported that the Turkish Cypriot inhabitants of Ayios Vassilios had been massacred on 26th December 1963, and reported their exhumation from a mass grave in the presence of the Red Cross and British paratroops. This harrowing story and many others from that period and 1974 are recounted by the Chief Matron of the Nicosia Hospital, Nurse Türkan Aziz MBE in her memoirs "The Death of Friendship."<sup>32</sup>

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<sup>31</sup> Telegram no. 162

<sup>32</sup> Charles Bravos Publishers, London, 2000. ISBN 0-9514464-3-6

She recalls how Greek Cypriots roamed the hospital wards killing the Turkish Cypriot patients,<sup>33</sup> and found the bodies of two Turkish Cypriot boys who had taken refuge in her own apartments.

*“The two sat on chairs exactly where I had left them, but this time they did not rise to greet me with smiles. Dark blood welled through the tattered remnants of their shirts and dripped on the carpet. Their Greek Cypriot “guard” had vanished, spraying the staircase senselessly with bullets as he left”* <sup>34</sup>

Matron Aziz describes the horror of Ayios Vasilios as follows:<sup>35</sup>

*“a few feet down they found the first bodies, three men thrown on top of each other, then a boy whose hands had been tied behind his knees, then a little girl, then an old man dressed in his peasant-style baggy trousers, then some women. There were 21 bodies, almost all dressed, but not in hospital garb. These were Turkish Cypriot families who had lived in Ayios Vasilios.”*

The relevance of “hospital garb” is that the Greek Cypriots “revealed a new depth of sickness of the mind by insisting the bodies were of patients in the hospital who had died of natural causes.”<sup>36</sup> They had issued a press statement saying “Turks distort the truth.”

A further massacre of Turkish Cypriots, at Limassol, was reported by The Observer on 16th February 1964, and there were many more. On 17th February 1964 the *Washington Post* reported that *Greek Cypriot fanatics appear bent on a policy of genocide.*” The Greek Cypriot Minister of the Interior admitted<sup>37</sup> that he had controlled the attack in Limassol himself.

On 31st December 1963 *The Guardian* had reported: *“It is nonsense to claim, as the Greek Cypriots do, that all casualties were caused by fighting between armed men of both sides. On*

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<sup>33</sup> Chapter 9

<sup>34</sup> page 84

<sup>35</sup> page 89

<sup>36</sup> page 90

<sup>37</sup> The Guardian 26<sup>th</sup> February 1964

*Christmas Eve many Turkish Cypriot people were brutally attacked and murdered in their suburban homes, including the wife and children of the Turkish Cypriot head of army medical services - allegedly by a group of forty men, many in army boots and greatcoats."* Although the Turkish Cypriots fought back as best they could, there were no massacres of Greek Cypriot civilians.

On 10th September 1964 the Secretary-General reported:<sup>38</sup> *"UNFICYP carried out a detailed survey of all damage to properties throughout the island during the disturbances, ..... it shows that in 109 villages, most of them Turkish-Cypriot or mixed villages, 527 houses have been destroyed while 2,000 others have suffered damage from looting. In Ktima 38 houses and shops have been destroyed totally and 122 partially. In the Omorphita suburb of Nicosia, 50 houses have been totally destroyed while a further 240 have been partially destroyed there and in adjacent suburbs."*

British troops in Cyprus at the time did what they could to protect the Turkish Cypriots, and their efforts are remembered to this day, but the scale and ferocity of the Greek Cypriot attacks made their task impossible. On 6th February 1964 a British patrol found armed Greek Cypriot police attacking the Turkish Cypriots of Ayios Sozomenos. They were unable to stop the attack.

On 13th February 1964 the Greeks and Greek Cypriots attacked the Turkish Cypriot quarter of Limassol with tanks, killing 16 and injuring 35. On 15th February 1964 "The Daily Telegraph" reported: *"It is a real military operation which the Greek Cypriots launched against the six thousand inhabitants of the Turkish Cypriot Quarter yesterday morning. A spokesman for the Greek Cypriot Government has recognised this officially. It is hard to conceive how Greek and Turkish Cypriots may seriously contemplate working together after all that has happened."*

In June 1964 the position of the Turkish Cypriots became so serious that public opinion in Turkey felt that they could no longer stand by. They therefore warned that they would intervene under Article 4 of the Treaty of Guarantee. They did not intervene

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<sup>38</sup> (UN doc. S/5950)

because they were threatened by a letter from US President Johnson on 5<sup>th</sup> June 1964 that if Turkey were invaded by the Soviets America would not comply with its NATO obligation to defend them. This was an arrogant, illegal, and empty threat, for America's responsibility under the North Atlantic Treaty was clear, and there is no possibility that America's own strategic interests could permit a Soviet takeover of Turkey or the Dardanelles. The threat was nevertheless enough to postpone Turkish intervention for another ten years.

Professor Ernst Forsthoff, the neutral President of the Supreme Constitutional Court of Cyprus told *Die Welt* on 27th December 1963 "*Makarios bears on his shoulders the sole responsibility of the recent tragic events. His aim is to deprive the Turkish community of their rights.*" In an interview with UPI press agency on 30th December 1963 he said: "*All this happened because Makarios wanted to remove all constitutional rights from the Turkish Cypriots.*"

More than 300 Turkish Cypriots are still missing without trace from these massacres of 1963/64. These dreadful events were not the responsibility of "the Greek Colonels" of 1974, or an unrepresentative handful of Greek Cypriot extremists. The persecution of the Turkish Cypriots was an act of policy on the part of the Greek Cypriot political and religious leadership, which has to this day made no serious attempt to bring the murderers to justice.

The UK Commons Select Committee<sup>39</sup> found that, "*There is little doubt that much of the violence which the Turkish Cypriots claim led to the total or partial destruction of 103 Turkish villages and the displacement of about a quarter of the total Turkish Cypriot population, was either directly inspired by, or certainly connived at, by the Greek Cypriot leadership.*"

The Greek Cypriots sometimes allege that it was they who were attacked, by the Turkish Cypriots who were determined to wreck the 1960 agreements. However, the Turkish Cypriots were not only outnumbered by nearly four to one; they were also

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<sup>39</sup> H.C. no. 23 of 1986-87

surrounded in their villages by armed Greek Cypriots, they had no way of protecting their women and children, and Turkey was 40 miles away across the sea. If such had been their plan the Turkish Cypriots would have congregated in the North where arrangements would have been made to house and protect them. The very idea that in those circumstances the Turkish Cypriots were the aggressors, is absurd.

In his memoirs, the American Under-Secretary of State, George Ball, said<sup>40</sup> that the Greek Cypriot leader's "*central interest was to block off Turkish intervention so that he and his Greek Cypriots could go on happily massacring Turkish Cypriots. Obviously we would never permit that.*" The fact is however that neither the US, the UK, the UN, nor anyone, other than Turkey eleven years later, took effective action to prevent it. In the same book<sup>41</sup> he quotes Adlai Stevenson as saying that the Greek Cypriot leader, Archbishop Makarios, was "*a wicked, unreliable conniver, who concealed his venality under the sanctimonious vestments of a religious leader*" and comments that "*In the years I had known Adlai I had never heard him speak of anyone with such vitriol.*"

Ball also recalls<sup>42</sup> that during his visit to Cyprus in the Spring of 1964, Sir Cyril Pickard, the British Under-secretary of State for Commonwealth Relations, "*denounced the Archbishop in devastating language for the outrages inflicted on the Turkish Cypriots.*" Ball himself told the Greek Cypriot leader that "*if he persisted in his cruel and reckless conduct Turkey would inevitably invade, and neither the US nor any other western power would raise a finger to stop them.*"

He further recalls<sup>43</sup> that "*a massacre took place in Limassol on the south coast in which as I recall about 50 Turkish Cypriots were killed, in some cases by bulldozers crushing their flimsy homes. I said to Makarios sharply that such beastly actions had to stop.*"

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<sup>40</sup> George W. Ball "The Past has Another Pattern" Norton 1982 at p.345

<sup>41</sup> page 340

<sup>42</sup> op. cit. p.345

<sup>43</sup> *ibid.*

On Under-Secretary Ball's visit to Athens at that time he records<sup>44</sup> that "*Greek Prime Minister [George] Papandreou contended that the "turbulence" over Cyprus resulted only from Turkey's invasion threats. I told him that although I had heard all that before it simply was not true.*"

The British Government recorded<sup>45</sup> that George Ball "*thought that Makarios' aim was to get the Cyprus problem into the UN orbit where the slogan of self-determination, supported by the communist bloc and the neutralists, could exert pressure towards the establishment of an independent unitary state, where he could do what he liked with the Turkish Cypriots.*"

Despite the arrival of UN troops in Cyprus in March 1964 the Greek Cypriots continued their attacks on Turkish Cypriot civilians. On 7<sup>th</sup> August 1964, they attacked Turkish Cypriot villages, provoking the Turkish government to send four warplanes to attack the Greek Cypriot village of Polis. On 8<sup>th</sup> August thirty Turkish jets flew low over Greek Cypriot towns on the north coast, and on 9<sup>th</sup> August, sixty-four Turkish planes flew low over north-west Cyprus.

On 12<sup>th</sup> August the US Ambassador to Greece was instructed to urge the Greek government to stop the attacks on Turkish Cypriots, and Khrushchev told the Greek Cypriots that they could expect no support from the Soviet Union<sup>46</sup> Finally the Greek Cypriots desisted, but had it not been for these warning flights there would have been few Turkish Cypriots left alive. They were saved by the Turkish Air Force, not by the UN.

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<sup>44</sup> op. cit. p.353

<sup>45</sup> FO doc. 1057 of 15.2.1964

<sup>46</sup> George W. Ball "The Past has Another Pattern" Norton 1982 at p.357

## V DIVISION OF THE ISLAND IN 1964

The Turkish Cypriots were forced to withdraw into defended enclaves, and it was therefore in January 1964, not in 1974, that Cyprus was divided. In 1964 the Turkish Cypriots had to establish an elected authority to govern themselves whilst confined in their enclaves.

The UN Secretary-General reported to the Security Council<sup>47</sup> *"When the disturbances broke out in December 1963 and continued during the first part of 1964 thousands of Turkish-Cypriots fled from their homes, taking with them only what they could drive or carry, and sought refuge in what they considered to be safer Turkish Cypriot villages and areas."*

Greek Cypriots often claim that the Turkish Cypriots withdrew voluntarily from their positions in the State. They were in fact excluded by threats to their personal safety. On 12th January 1964 the British High Commission in Nicosia wrote to London<sup>48</sup> *"The Greek (Cypriot) police..... threaten to try and punish any Turkish Cypriot police who wish to return to the Cyprus Government."*

Further, the UK Commons Select Committee<sup>49</sup> found that *"When in July 1965 the Turkish Cypriot members of the House of Representatives had sought to resume their seats they were told that they could do so only if they accepted the legislative changes to the operation of the Constitution enacted in their absence"* (ie. if they agreed to fundamental constitutional changes to the great disadvantage of their community, imposed upon them by force of arms).

Greek Cypriot policy after 1963 was summarised as follows in *Fileleftheros* on 20th September 1992: *"we the Greek Cypriots are in full control of the Government. All the Ministers are Greeks. Our government is the only one recognised internationally - why should we bring the Turks back in? The Turks today control only 3% of the land. They have no rich*

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<sup>47</sup> UN doc. S/8286

<sup>48</sup> Telegram no. 162

<sup>49</sup> H.C. no. 23 of 1986-87

*resources and they are living through difficult times from an economic point of view. They will ultimately have to accept our point of view - or go."*

Accordingly, even if there had been any substance to Greek Cypriot claims that they were operating the government alone of necessity because the Turkish Cypriots were leaving their places vacant, there can be no justification for that claim after July 1965.

The Select Committee continued: *"In February 1966 Makarios declared that the 1960 Agreements had been abrogated and buried."*

In September 1964 the Secretary-General had reported to the Security Council<sup>50</sup> *"In addition to losses incurred in agriculture and in industry during the first part of the year, the Turkish Cypriot community had lost other sources of its income including the salaries of over 4,000 persons who were employed by the Cyprus Government."* The trade of the Turkish Cypriot community had considerably declined during the period, and unemployment reached a very high level of approximately 25,000 breadwinners.

Turkish-Cypriots had become refugees in their own land. Expenditure of the Turkish Communal Chamber collapsed, as a yearly subsidy formerly received from the Government had ceased in 1964. A large part of its remaining resources had to be used for unemployment relief and other forms of compensation as approximately half the entire Turkish Cypriot population came to be on relief.

During the period 1963 to 1974 the freedom of movement of Turkish-Cypriots was severely restricted<sup>51</sup> they were denied postal services<sup>52</sup> Their access to building materials, electrical equipment, motor parts, fuel, chemicals and many other

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<sup>50</sup> UN doc. 5950

<sup>51</sup> UN docs. S/5764, S/5950, S/7350

<sup>52</sup> UN docs. S/5950. S/7001

commodities was severely restricted<sup>53</sup> and Turkish-Cypriot refugees had to live in tents and caves.

On 10th September 1964 the UN Secretary-General reported<sup>54</sup> "*The economic restrictions being imposed against the Turkish Cypriot communities, which in some instances has been so severe as to amount to veritable siege, indicated that the Government of Cyprus seeks to force a potential solution by economic pressure.*"

On 24th July 1965 the United Kingdom formally protested the unlawful action of the Greek Cypriots, but continued to deal with them as the Government of Cyprus, and took no effective action to stop them doing as they pleased. In his memoirs published in 1987 former British Foreign Secretary and Prime Minister, James Callaghan, records that, "*there is no question that the Turkish Cypriots had for many years been denied their political rights under the 1960 Constitution, and their basic human rights*".

The United Nations, the Commonwealth, and the rest of the world have put political expediency before principle, and failed to condemn this appalling behaviour. Greek Cypriots are guilty of attempted genocide in violation of Articles 2(a), (b) and (c) and Articles 3(a), (b), (c), (d) and (e) of the 1948 Genocide Convention, but no action has ever been taken against them. Instead they have been rewarded by being treated as the Government of all Cyprus. The Turkish Cypriots by contrast were frozen out of the UN, the Commonwealth and almost every other international organisation, and were not even allowed to be heard when many important decisions affecting their future were made.

This act of betrayal by the United Nations itself has enabled the Greek Cypriots for more than thirty years to treat the Turkish Cypriots as a mere community, to take most of the international aid for themselves, to embargo Turkish Cypriot trade and communications with the outside world, to occupy the Cyprus

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<sup>53</sup> UN docs. S/5950, S/7350

<sup>54</sup> UN doc. S/5950

chair in all international institutions, and to convince the world that they, and not the Turkish Cypriots are the injured party.

On 18<sup>th</sup> December 1965 the UN General Assembly actually went so far, in Resolution 2077, as to express its confidence in the goodwill and humanity of the Greek Cypriot regime, which had been shown on the clearest possible evidence to have dishonoured international agreements, subverted constitutional government, and violated human rights on a massive scale. Well aware of the dangers to which the Turkish Cypriots were exposed, and of the fact that UN troops had been unable to protect them, the Assembly called upon all states to refrain from intervention in Cyprus, thus seeking to deprive the Turkish Cypriots of assistance from Turkey, and the only guarantee of their survival. This resolution must rank as one of the most shameful resolutions in the history of the United Nations.

The Greek Cypriots, still not confident that they could eliminate the Turkish Cypriots without help from Greece, began to augment their forces soon after the events of 1963. In his book "Democracy at Gunpoint" Andreas Papandreou recalls that in 1964 *"A clandestine operation began on a huge scale; of nightly shipments of arms and "volunteers" who arrive in Cyprus in civilian clothes and then join their Greek Cypriot units."*

"Newsweek" had likewise reported on 27th July 1964 that: *"Before dawn each day the great iron doors of the port of Limassol are slammed shut... UN troops are barred. A few hours later the doors swing open and covered lorries, weaving on overloaded springs, roar out of the port and head toward the Troodos mountains."*

On 28th July 1965<sup>55</sup> the former British Minister, Duncan Sandys said in the House of Commons: ***"the flagrantly illegal action of the Cyprus government gives to Turkey an unquestionable right under the Treaty of Guarantee to intervene in order to restore the Constitution."***

Despite the withdrawal of Turkish Cypriots into defended enclaves, they were subjected to a further massacre of civilians in

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<sup>55</sup> Hansard col. 466

1967 when, on 27th March the Greeks and Greek Cypriots shelled the village of Mari for four hours. On 15th November 1967 2,000 armed men with artillery and armoured forces attacked the Turkish Cypriot quarter of Ayios Theodoros. At the same time the village of Getcikale (Kophinou) was attacked. During these attacks UN soldiers watched helpless as women children, and old men were killed - many burned alive in their own homes - and 50 houses were destroyed. Only further warning flights by the Turkish Air Force prevented more massacres at this time, and forced the withdrawal of some of the mainland Greek forces which had been illegally built up in Cyprus.

And what was the reaction of the international community?

They did not launch air attacks against the Greek Cypriots, as they later did against the Serbs - they did not complain about ethnic cleansing, or “attempts to change the demographic character of Cyprus.” They expressed no concern for Turkish Cypriot missing persons, nor for the homes, farms and businesses they had lost, - and they did not complain about the 20,000 Greek troops on the island.

Instead they rewarded the Greek Cypriots by treating them as the Government of all Cyprus.

On 23rd December 1965 the British Government stated their Cyprus objectives in a confidential Memo from the Foreign Office to the British High Commissioner in Cyprus<sup>56</sup> as follows: *The basic objectives of our policy over Cyprus have been stated to be: (a) To prevent a war between Greece and Turkey and to maintain the cohesion of the south-east flank of NATO (b) To secure through negotiation a stable and lasting solution acceptable to all concerned, including both Greece and Turkey (c) To prevent Cyprus falling under neutralist or Soviet influence or control (d) To retain our staging and defence facilities in Cyprus for as long as they are required, and (e) To retain our ability to use the northern route, overflying Turkey ....*

*These objectives are not concerned so much with the situation in Cyprus itself, as with its implications for our general*

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<sup>56</sup> FO 371/179984

foreign policy. It is because of this that we cannot pursue or advocate any “solution” which, however attractive itself, would be seriously damaging to, or not accepted by, any of the “other parties concerned.” So far, we had no real alternative to maintaining a position of strict neutrality between opposing points of view. We have also to bear in mind that **the existing uneasy balance in Cyprus has suited our basic objectives better than any alternative within our reach ....** However much we may still dislike it, the fact is that **the Cyprus Treaties do still remain in force and can only be altered with the agreement of all parties concerned.**

However hard we may strive for a UN solution, until one is in sight (and none is at present), we must maintain the formal status quo so far as the Treaties are concerned, for without that we merely invite anarchy. We never believed that the UN as a whole (ie especially the General Assembly) offers the best hope of finding the solution; it is in our view far too subject to extraneous and irrelevant pressures and cold war influences to be likely to throw up of its own accord a solution; though it may provide useful endorsement for one which has been negotiated, and can certainly help (eg through UNFICYP) to provide an atmosphere in which negotiation can be fruitful.

Proceedings just concluded in the General Assembly seem fully to justify these apprehensions. The Resolution passed on 19th December<sup>57</sup> makes no contribution towards bringing the parties closer together or to reducing tensions. On the contrary, **by supporting the Greek Cypriot point of view, and correspondingly frustrating the Turks, it seems likely to have set the various parties to the dispute even further apart than before, thus once again contributing not to a solution, but only creating disturbance. It will no doubt be exploited to the full by Makarios ....**

Predictably it has provoked anger in Ankara, accompanied by renewed threats of unilateral intervention. **It is most unlikely that, whatever efforts we or anyone else make, to find a solution through the UN, the Turks will in the foreseeable future have any confidence in them. We should give no impression that the**

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<sup>57</sup> in fact Resolution 2077 of 18 December 1965

*UN can find a solution to the problem. Our policy up to now has been based on a fairly cold-blooded appraisal of where our interests lie, and how best to advance them. Maybe the situation has slightly changed, and we may need a reappraisal of policy."*

Despite all that had happened the Turkish Cypriots were still willing to compromise, and Glafcos Clerides in his memoirs points out that there had been many occasions when he reached agreement with the Turkish Cypriot leader, Rauf Denktaş, but the Greek Cypriot side always refused to accept it.

On page 377 of Volume 3 he says : *"In 1972 we could have had a solution of our problem based on a much improved constitution than the Zurich one, and on a unitary state. We rejected it because it did not give us the maximum of our aims, i.e. a Greek Cypriot island ruled by the Greek Cypriots ....."* *"In 1972 the Greek Cypriot attitude to the solution of our problem was clearly expressed in the statement made by the then Foreign Minister, Kyprianou, who stated: 'I wish again to call on the Greek Cypriot people to be calmly on alert in order to prevent a nationally unacceptable solution. By this I mean either concealed or unconcealed federation or condominium, double Enosis, or partition or a return to the Zurich Agreements."*

## **VI THE EVENTS OF 1974**

In 1971 General Grivas returned to Cyprus to form EOKA-B, committed to making Cyprus a wholly Greek island and annexing it to Greece. In a speech to the Greek Cypriot armed forces<sup>58</sup> Grivas said. *"The Greek forces from Greece have come to Cyprus in order to impose the will of the Greeks of Cyprus upon the Turks. We want ENOSIS but the Turks are against it. We shall impose our will. We are strong and we shall do so."*

### **Greek Invasion**

By 15th July 1974 a powerful force of mainland Greek troops had assembled in Cyprus and with their backing the Greek Cypriot

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<sup>58</sup> Quoted in "New Cyprus" May 1987

National Guard overthrew Makarios and installed one Nicos Sampson as "President." They immediately began to murder Greek Cypriots and some Turkish Cypriots.

On 22nd July *Washington Star News* reported: "*Bodies littered the streets and there were mass burials.... People who were told by Makarios to lay down their guns were shot by the National Guard.*"

Even Greek Cypriots sought Turkey's help. In her memoirs, Greek Cypriot MP Rina Katsellis, says "*16th July 1974 Is Makarios alive? Is he dead? The Makarios supporters arrested, the EOKA-B supporters freed .... I did not shed a tear, why should I? Did the stupidity and fanaticism deserve a tear? There are some who beg Turkey to intervene. 18th July 1974 "My God!...Everyone is frozen with fear.. the old man who asked for the body of his son was shot on the spot.. The tortures and executions at the central prison ... everyone is frozen with horror. ...my brother said that in brutality they have surpassed the Germans of the Second World War... Nothing is sacred to these people, and they call themselves Greeks! ... we must not keep that name any longer.*"

Archbishop Makarios, after escaping from the Greek soldiers and Greek Cypriot militia, went straight to New York to address the UN Security Council on 19th July 1974, where he accused Greece of invading Cyprus. He said that the coup organised by Greece on 15 July 1974 was put into effect by the Greek officers commanding the Cyprus National Guard. He confessed that this was a premeditated attack by Greece and their Greek Cypriot supporters, who did not hesitate to shed blood in Cyprus to remove all obstacles on the way to Enosis.

### **Turkey Responds**

The Daily Telegraph said<sup>59</sup> that "*Turkish Cypriots, who had suffered from physical attacks since 1963, called on the guarantor powers to prevent a Greek conquest of the island. When Britain did nothing Turkey invaded Cyprus and occupied its northern part.*"

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<sup>59</sup> 15<sup>th</sup> August 1996

The Greek newspaper *Eleftherotipia* published an interview with Nicos Sampson on 26th February 1981 in which he said “*Had Turkey not intervened I would not only have proclaimed ENOSIS - I would have annihilated the Turks in Cyprus.*” He would have done so in accordance with the second ethnic cleansing plan “The Iphestos Plan” and the idea that the Turkish Cypriots were not endangered by the 1974 coup is nonsense.

*“Greek Cypriot National Guard documents captured in [July 1974] reveal a hair-raising plan to wipe out the entire Turkish population of the island. I have before me as I write copies of some of these captured documents...[the Iphestos Plan]... Every detail of the extermination plans are revealed – the villages to be wiped out with their inhabitants – the units assigned to specific areas, and even where to bury the Turkish corpses – it is all there. Perhaps the most frightening thing of all is the revelation that the Greek Cypriot population was to be organised and brainwashed into joining the slaughter.”<sup>60</sup>*

Turkey (at that time ruled by the Social Democrats) sent troops to Cyprus on 20th July 1974.

The 1976 UK House of Commons Select Committee on Cyprus found<sup>61</sup> that Turkey had proposed joint Anglo-Turkish action under the Treaty of Guarantee, and this was confirmed by Prime Minister Ecevit on 14th August 1974.<sup>62</sup> However the Labour Government in Britain refused to take any effective action, even though they had troops and aircraft in the Sovereign Bases in Cyprus.

They argued that Britain was under no duty to take military action, but Article II of the Treaty provided that Britain would guarantee the state of affairs established by the basic articles of the 1960 Constitution, which it manifestly failed to do. The Select Committee concluded that “*Britain had a legal right to intervene,*

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<sup>60</sup> H. Scott-Gibbons “*The Genocide Files*” p 407. See also Reddaway op. cit at p.184 and Haktanir “Do You Remember the Iphestos Files?” 2001

<sup>61</sup> HC 331 1975/76 para. 22

<sup>62</sup> Daily Telegraph 15th August 1974

*she had a moral obligation to intervene. She did not intervene for reasons which the (Labour) Government refuses to give."*

*"On 20th July 1974 Turkey intervened under Article IV of the Treaty of Guarantee" - (UK Foreign & Commonwealth Office doc. CPS/75, Jan., 1987).*

*"Turkey exercised its right of intervention in accordance with Article IV of the Guarantee Treaty of 1960." (Resolution 573, Standing Committee of the Consultative Assembly of the Council of Europe, 29th July 1974).*

In July 1974, after the first phase of the Turkish intervention, an international conference was held at Geneva between Turkey, Greece and Britain. It was agreed that Greek and Greek Cypriot forces would leave all the Turkish Cypriot enclaves, but they proceeded instead to murder almost the entire civilian population of six Turkish Cypriot enclaves in both the north and south of the island, and despite the presence in Cyprus of UN troops.

Turkey's obligation under the Treaty of Guarantee was to re-establish the state of affairs established by the basic articles of the 1960 Constitution. That was a state of affairs in which the Turkish Cypriots could at the very least stay alive and play their part as political equals in the government of the island.

Neither of these objectives could have been achieved by returning the Turkish Cypriots to the status quo ante, and Turkey could not possibly have done so. That status was not the one envisaged by the 1960 Constitution. Makarios who had been restored to office after the coup was responsible for the massacres of 1963, 1964, and 1967. He had also been responsible for expelling the Turkish Cypriots from all their positions in the state, and for squeezing them into less than 3% of the island with only the basic necessities for life. It should be remembered that Makarios had been deposed not because he had abandoned ENOSIS, but because he was a Royalist who did not support the Junta then in power in Greece.

The Greek Cypriot journalist Stavros Angelides wrote as follows in *Fileleftheros* on 16th September 1990 "*Did we really have constitutional order before the invasion and even before the coup? Was this the constitutional order we had signed in 1959*

*with Turkey, Greece, Britain, and the Turkish Cypriots? Such an argument is absolutely baseless. We, the Greek Cypriot side, started to overthrow the constitution soon after Zurich."*

Turkey could discharge its obligation only by providing a safe haven for the Turkish Cypriots in which they could live in peace and freedom, and by encouraging them to reach a new political arrangement with the Greek Cypriots in which they could play their part as political equals in the government of the island.

Even if the Treaty of Guarantee had not existed Turkey would have been wholly justified in intervening to protect the Turkish Cypriots from attempted genocide and remaining there for as long as their protection was needed, on the same legal basis as NATO intervened to protect ethnic Albanians in Kosovo from attempted genocide.

### **More Massacres of Turkish Cypriots**

It is argued that even if the first phase of the Turkish intervention was legal, the extension of the area under Turkish control in the second phase from 14th August to 16th August 1974 was illegal. However, the facts do not support this view. The German newspaper *Die Zeit* wrote on 30 August 1974 "*the massacre of Turkish Cypriots in Paphos and Famagusta is the proof of how justified the Turks were to undertake their [August] intervention*".

In the village of Tokhni on 14th August 1974 all the Turkish Cypriot men between the ages of 13 and 74, except for eighteen who managed to escape, were taken away and shot.<sup>63</sup>

In Zyyi on the same day all the Turkish-Cypriot men aged between 19 and 38 were taken away by Greek-Cypriots and were never seen again. On the same day Greek-Cypriots opened fire in the Turkish-Cypriot neighbourhood of Paphos killing men, women, and children indiscriminately. On 23rd July 1974 the Washington Post reported "*In a Greek raid on a small Turkish village near Limassol 36 people out of a population of 200 were killed. The*

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<sup>63</sup> Times, Guardian, 21st August 1974

*Greeks said that they had been given orders to kill the inhabitants of the Turkish villages before the Turkish forces arrived.*"<sup>64</sup>

*"The Greeks began to shell the Turkish quarter on Saturday, refugees said. Kazan Derviş, a Turkish Cypriot girl aged 15, said she had been staying with her uncle. The [Greek Cypriot] National Guard came into the Turkish sector and shooting began. She saw her uncle and other relatives taken away as prisoners, and later heard her uncle had been shot."*<sup>65</sup>

*"Before my uncle was taken away by the soldiers, he shouted to me to run away. I ran into the streets, and the soldiers were shooting all the time. I went into a house and I saw a woman being attacked by soldiers. They were raping her. Then they shot her in front of my eyes. I ran away again and Turkish men and women looked after me. They were escaping as well. They broke holes in the sides of houses, so we could get away without going into the streets. There were lots of women and children screaming, and soldiers were firing at us all the time".*

On 28th July the *New York Times* reported that 14 Turkish-Cypriot men had been shot in Alaminos. On 24th July 1974 *France Soir* reported *"The Greeks burned Turkish mosques and set fire to Turkish homes in the villages around Famagusta. Defenceless Turkish villagers who have no weapons live in an atmosphere of terror and they evacuate their homes and go and live in tents in the forests. The Greeks' actions are a shame to humanity."*

On 22nd July Turkish Prime Minister Ecevit had called upon the UN to stop the genocide of Turkish-Cypriots and declared *"Turkey has accepted a cease-fire, but will not allow Turkish-Cypriots to be massacred"*<sup>66</sup> At the beginning of the Second Geneva Conference he said *"A solution which is not based on geographical separation will not work. It is out of the question for us to entrust the safety of the Turkish Cypriots to the Greeks, who cannot even rule themselves. The areas around the Turkish*

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<sup>64</sup> See also Times, Guardian, 23rd July 1974

<sup>65</sup> Times 23.7.74

<sup>66</sup> Times 23rd July 1974

*forces are being mined, and the Turkish Cypriot villages are still under siege."*

The UK House of Commons Select Committee on Cyprus<sup>67</sup> reported in 1976 *"The second phase of military operations was inevitable in the view of your committee as the position reached by Turkish forces at the time of the first cease-fire was untenable militarily"*.

On 1st February 1966 in Athens the Greek Cypriot leader, Archbishop Makarios, had already declared: *"They [the Zurich & London Agreements] today stand abrogated and buried. Neither Turkey nor any other power can breathe life into them again."*

Sir Anthony Kershaw took the following view in his speech in Cyprus on 23rd October 1990: *"In order to protect the Turkish Cypriots, Turkey intervened in exercise of her rights under article 4 of the 1960 Treaty of Guarantee. No one has ever suggested that was illegal but they have gone on to say that the continuing use of troops, not to restore the 1960 Constitution but to enforce partition was illegal."*

*But does this not ignore the reality of the situation? In law it is said that the Turks were invoking the Guarantee; but to say that they were obliged to work for no result except the restoration of the 1960 Constitution is absurd. That Constitution had ceased to exist. The reconciliation of the law with the actual political situation, or indeed with ordinary common sense, was becoming more difficult. The Turks came to protect the lives of the Turkish Cypriots and they had good reason to know that the restoration of the 1960 Constitution was not the way to do that. The only way to do that was with troops on the ground."*

The British Foreign Secretary answered "yes" to the following question from the House of Commons Select Committee on Cyprus<sup>68</sup> *"Would the Foreign Secretary agree that we could hardly restore the 1960 Constitution, since at least two of the provisions which were enshrined in the Constitution, the separate*

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<sup>67</sup> HC 331 of 1975/76

<sup>68</sup> HC. 331 1975/76, page 55, para. 141

*municipalities and the Turkish (Cypriot) share of the police and civil service, were never in fact implemented?"*

*"Turkey intervened to protect the lives and property of the Turkish-Cypriots, and to its credit has done just that. In the 12 years since, there have been no killings and no massacres"* Lord Willis (Lab.) House of Lords 17th December 1986.<sup>69</sup>

On 12th March 1977 Makarios declared<sup>70</sup> *"It is in the name of ENOSIS that Cyprus has been destroyed. "*

Turkey, having defeated the Sampson coup in 1974, had no choice but to extend its protection in August 1974 and to maintain it until such time as the security of the Turkish Cypriots could otherwise be effectively guaranteed. Turkey has since that time encouraged the Turkish Cypriots to negotiate an agreed alternative to the 1960 Republic, and Turkey has supported the acceptance by the Turkish Cypriots of successive UN plans for a settlement. By Resolution 889 (1993) the Security Council *"welcomes the declared support of the Government of Turkey for the package of confidence-building measures."*

There is little doubt that the Greek Cypriot ambition for ENOSIS, was a major cause of the breakdown of the Constitution and the dreadful events of 1963 - 1974. Greek Cypriots claim that today dreams of ENOSIS are dead. This is improbable, but even if it were true the Turkish Cypriots have as much reason to fear Greek Cypriot as Greek, domination.

## **VII TWO STATES EMERGE**

Turkey's action in 1974 created a safe haven for the Turkish Cypriots, just as seventeen years later the western powers, with Turkey's help, created a safe haven for the Kurdish people in Northern Iraq, and twenty-five years later - again with Turkey's help - created a safe haven in Kosovo.

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<sup>69</sup> Hansard, col. 223

<sup>70</sup> in an interview with the Norwegian newspaper *Degbladet*

As soon as Sampson had been deposed Glafcos Clerides took over from him as acting President, in the absence of Makarios. He contacted Denктаş and asked if he might come to the north to visit Greek Cypriots who were being kept in the Dome Hotel in Kyrenia and in the village of Bellapais a few miles away. This was agreed, and Denктаş accompanied him.

It was obvious to Denктаş that the Greek Cypriots wanted to go south to be with their own people, and that they blamed their misfortune on Makarios and the obsession of their leadership with ENOSIS. One of their number, a dentist, was trying to persuade them to stay, but his daughter was in the south, and he was so anxious to see her again that eventually he went to the south himself and the others followed.

There was a similar situation in Bellapais where Clerides met with the Greek Cypriots at the coffee shop under the famous tree of idleness. Their leader was a tall, very attractive, woman, but being a Greek national she was sent back to Greece, and the others soon went to the south. In Famagusta all the Greek Cypriots moved to the south as soon as they heard that the Turkish army was coming.

About 20,000 Greek Cypriots were not allowed by their own government to go to the south until after the exchange of populations agreement which Denктаş made with Clerides in 1975, and by 2001 there were still about 500 left in the Karpas peninsula in the north, who are given financial incentives by the Greek Cypriot Administration to stay there. Denктаş recalls that the humanitarian work at this time went reasonably well because Clerides was the Greek Cypriot leader at the time "*Had it been Kyprianou we would have made no progress.*" He remembers it as a process of give and take – if one side wanted something then they had to give something in return.

It was also agreed that Denктаş should be allowed to visit Turkish Cypriots who were being kept in the south. While he was there the people begged him to persuade the Greek Cypriots to let them go to the north. At first Clerides said no, but eventually he relented and agreed to allow people who were elderly or in need of

medical care, and students who needed to attend Turkish schools, to leave.

Many Turkish Cypriots left their homes in the south with such possessions as they could carry, and struggled through the Troodos mountains to get away from the Greeks and Greek Cypriots. Many of them were captured by Greek Cypriot forces on the journey, and tortured or killed. Some were sent back by the police to utter destitution in the towns where they had lived. On 13<sup>th</sup> March 1975 a Turkish Cypriot woman was seriously injured and her four-month old baby killed when they were gunned down by a Greek Cypriot patrol. Often refugees would pay Greek Cypriot taxi drivers huge sums of money to take them to the border only to be thrown out of the car and robbed of what little they had salvaged, in remote country areas.

In one dreadful case the taxi driver killed his passengers as well. The registration number of the taxi had been recorded by the Turkish Cypriot leaders in the south before the unfortunate family set out, so the driver was eventually convicted of murdering the two Turkish Cypriot women, and three children. He was sent to prison where he died. The most significant feature of this appalling case is that when arrested he claimed in his defence that "they were only Turks" having been led to believe for most of his life that Turks were not entitled to the rights of ordinary human beings. This taxi driver is however the only Greek Cypriot to have been brought to justice for the atrocities committed against Turkish Cypriots.

The former British Prime Minister, Sir Alec Douglas Home, said<sup>71</sup> *"I was convinced that if the Greek Cypriot leadership could not treat the Turkish Cypriots as human beings they were inviting the invasion and partition of the island."*

Britain should have taken the lead at the United Nations as from 1963 to ensure that no international acceptance was given to any "Government of Cyprus" which continued to be in breach of the 1960 agreement. The Cyprus seat should have remained vacant

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<sup>71</sup> "The Way the Wind Blows" Collins (1976) ISBN 0 00 211997-8 at p. 242.

until it could again be lawfully occupied, as indeed it did in the Parliamentary Assembly of the Council of Europe for ten years.<sup>72</sup> Instead Britain did the exact opposite, and took the lead in securing the adoption of the now notorious Security Council Resolution 353 in 1974 which, after all that had happened, continued to treat the Greek Cypriot regime as the Government of Cyprus and denied the Turkish Cypriots their independence.

During the events of 1974, and following a formal exchange of populations agreement made between Rauf Denktaş and Glafcos Clerides in 1975, Turkish Cypriots moved to the North and Greek Cypriots moved to the South. Many innocent people suffered on both sides, and many on both sides lost their homes and their possessions. The Greek Cypriots did not however suffer such extreme hardship as the Turkish Cypriots had suffered in the period 1964-74, because a massive international relief programme was mobilised to help them. Neither in 1964 nor 1974 did the Turkish Cypriots receive any relief, except from Turkey.

The Greek Cypriots have always exaggerated the number of their refugees, usually claiming about 200,000. However, their own Attorney-General, Kriton Tornarites, admitted<sup>73</sup> that the *entire* Greek Cypriot population of the North was no more than 129,000 at the time of the 1974 intervention.

On 30th July 1974 the Geneva Declaration of the Guarantor powers recognised:

(a) that Constitutional Government no longer existed in Cyprus

(b) the existence in Cyprus of two autonomous administrations; one Turkish Cypriot and the other Greek Cypriot.

The 1960 agreement having been repudiated by the conduct of the Greek Cypriots, and indeed expressly abrogated by the Greek Cypriot leaders, Turkish Cypriots could not live for long in a

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<sup>72</sup> in 1983 when Greece was in the chair, the Assembly was persuaded to accept a wholly Greek Cypriot delegation.

<sup>73</sup> "Legal Aspects of the Problem of Refugees in Cyprus"

political limbo, so On 13th February 1975 they declared Northern Cyprus to be a Federated State, with a democratic constitution, *but with the declared intention* that it should one day form part of a federation for the whole of Cyprus.

Once more the UN showed its partiality, and in Security Council Resolution 367 "regretted" the decision of the Turkish Cypriots, while continuing to reward the unilateral decision of the Greek Cypriots in 1963 to impose *their* own autonomous administration on Cyprus. *There is an inherent contradiction in this resolution, which stresses negotiations between the two communities on an equal footing and on the other hand regrets the assertion by the Turkish Cypriots of the statehood that evinced their need to possess equal standing as a State with the Greek Cypriots.* (Lauterpacht. op cit.).

No progress toward settlement having been made, the Turkish Cypriots declared independence as the Turkish Republic of Northern Cyprus on 15th November 1983, but still they expressly declared that they wished to work towards a new Constitution for the whole of Cyprus. The Turkish Republic of Northern Cyprus today is a multi-party democracy, with a free judiciary, a free press, and free trade unions.

On December 13, 1998 the Greek Cypriot newspaper *HARAVGI* wrote "*After 1974 we tried the tactic of political tension. In 1983 despite knowing that we could start a political conflict, we cut off dialogue in order to apply to the United Nations. The result of this was the proclamation of the TRNC.*"

Again Britain, the United Nations, and the world in general deplored this step. The Security Council, by Resolutions 541 and 550, purported to declare the Declaration of Independence “legally invalid,” and called upon states not to recognise the TRNC. However, it has never specified whether the constitutional law of Cyprus or international law is said to be the basis of such illegality. If constitutional law, it has never explained how the 1960 constitution, having been repudiated and expressly abrogated by the Greek Cypriot side as long ago as 1963, could still be binding upon the Turkish Cypriot side in 1983.

If the Security Council relied on treaty-based international law, the foundation of the 1960 treaties was the joint participation of both communities in the government of Cyprus in the manner laid down in those treaties, but that foundation had been destroyed by the Greek Cypriots and no longer existed. It was that action which was incompatible with the Treaties, not the creation of a new political structure by the Turkish Cypriots to fill the vacuum in which they had been left. *“If the Security Council had assessed the situation as a whole, it could not possibly have concluded that the conduct of the Turkish Cypriot community violated the controlling legal instruments while the conduct of the Greek Cypriot community did not. Nor could it have reached any other conclusion than that the action of the Greek Cypriot community justified the conduct of the Turkish Cypriot community”.* (Lauterpacht op.cit.)

If general international law was relied upon, there is no general principle which prohibits the dissolution of a constitutional arrangement between two peoples. When the East Pakistanis, with the assistance of Indian troops, decided to dissolve their relationship with the West Pakistanis and form their own State, called Bangladesh, the new state was recognised almost immediately. More recently the emergence of new states from the chaos of Yugoslavia has been recognised.

In purporting to make a legal finding, the Security Council did not proceed in a manner appropriate to the performance of a judicial function, and the judgement, in the form of a draft resolution, was already in circulation before the debate began. The Security Council is a political body. It should not purport to act as

a judicial body or expect to be respected as such. *The Resolutions were tainted by such a degree of selectivity and incompleteness as to render them arbitrary and discriminatory and thus not well-founded in law. It follows that the call to states not to recognise the TRNC was not legally justified*" (Lauterpacht op.cit.)

On 29th March 1965, the UN Mediator for Cyprus, Dr. Galo Plaza, had said<sup>74</sup> *"It is obvious that the Cyprus problem cannot any longer be solved by trying to implement fully the (1960) Nicosia Treaties and the Constitution governed by the treaties. .... The events since December 1963 have created a situation which makes it psychologically and politically impossible to return to the previous situation."*

The Turkish Republic of Northern Cyprus is sometimes described as a "breakaway state," but there was nothing to break away from. It was the Greek Cypriots who broke away from the 1960 Republic in 1963 and drove the Turkish Cypriots into enclaves. They then set up a wholly Greek Cypriot Republic which they continued, and still continue, to call "the Republic of Cyprus." They have usurped even the name of the bi-communal Republic.

*"The foundation of the Turkish Republic of Northern Cyprus was no secession from a unitary state of Cyprus, but rather a reaction to the foundation of the Greek de facto regime."*<sup>75</sup>

## VIII PERSONAL RELATIONS

It is sometimes believed that since personal relations between Turkish and Greek Cypriots have traditionally been good it is only the Turkish army which is keeping them apart. This is a fallacy. The fact that personal relations were often good did not prevent the murder of Turkish Cypriots in 1963, 1967, and 1974 by Greek Cypriot neighbours whom they knew by name. The Greek Cypriots are entirely different people when they act collectively in pursuit of their "national cause," and the Turkish Cypriots have made it clear by an overwhelming majority that they do not wish to integrate with the Greek Cypriots.

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<sup>74</sup> UN doc. S/6252

<sup>75</sup> Pernthaler op.cit.

*“The relationship between the two communities at large was at best one of tolerance rather than harmony. Since 1964 Greek Cypriots have tended to paint that relationship in too rosy a colour. This suited their case that they were not to blame for the rupture...<sup>76</sup>”*

Personal relations between the two peoples or between their leaders are not the issue, and serve only to mislead. They lived alongside each other whilst the British ruled Cyprus, as they do today in London, because the British authorities kept the peace, but even then, as already noted, the Turkish Cypriots suffered.

Cyprus is also quite different to countries elsewhere in the world where families are parted by frontiers, for almost all the Turkish Cypriots are in the North and Greek Cypriots in the South. The few Greek Cypriots who remain in the North do so of their own free will, and may join their families in the South whenever they choose. There is no parallel between the "Green Line" frontier in Cyprus and the Berlin wall. The Berlin wall was not erected to protect West Germans from aggression, and the "Green Line" in Cyprus does not divide a nation. It was drawn by a British officer in 1963 to protect the Turkish Cypriots from Greek Cypriot gunmen, and had it not been drawn there would be few Turkish Cypriots left alive in Cyprus today.

Turkish Cypriots have as much reason to be concerned about Greek Cypriot attitudes towards them as they have ever had. In April 2001 President Denktaş wrote to the UN Secretary-General as follows:

*"Your Excellency,*

*I am writing to inform you about the latest provocative statements emanating from the Greek Cypriot administration and leadership in Southern Cyprus, which reveal their deep-rooted animosity towards the Turkish Cypriot people and the fact that the crux of the Cyprus issue has always been and continues to be the Greek Cypriot side's attempt to "Hellenise" the island under its usurped title as "the government of Cyprus". In fact, these statements clearly show that, as we have been saying all along, the*

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<sup>76</sup> Reddaway op. cit. 28

*whole motive behind the Greek Cypriot drive for European Union membership, is precisely to achieve union with Greece in that illegal and illegitimate capacity.*

*First I would like to refer to the anti-Turkish slogans chanted in a Greek Cypriot military camp during routine training exercises which appeared in the Greek Cypriot daily Haravgi dated 22 March 2001 under the apt heading "Chauvinistic Slogans at the Greek Cypriot National Guard". These slogans are yet another demonstration of the fact that the planting of seeds of hatred towards the Turkish Cypriot people in the minds of Greek Cypriot youths, be they military or civilian is institutionalised on the Greek Cypriot side and is passed from generation to generation: "Turks, Turks, you will die. You will die in front of the blue and white flag". "All Turks must be driven out to sea" they chant.*

*The Greek Cypriot National Guard officer conducting these exercises, upon being questioned about the wisdom of using such chauvinistic slogans, defended this practice by the shocking remarks. "What are you bothered about? We will kill all the Turks"!*

*Similar remarks are common in Greek Cypriot civilian life, notably in the teachings of the Greek Orthodox Church and the education system. Archbishop Chrisostomos, as the head of the Greek Orthodox Church of Cyprus, has achieved renown by his prejudicial remarks against Turkish people and for frequently calling for a "crusade" to drive our "the national enemy". Greek Cypriot textbooks particularly at the elementary school level, are replete with racist indoctrination, such as "we either push out all the Turks, or face annihilation". In anti-Turkish demonstrations which are often held in the South public feelings are expressed in abhorrent slogans on banners which read, "The best Turk is a dead Turk".*

*It is this kind of racist and chauvinistic mentality that led to the Greek Cypriot campaign of ethnic cleansing against the Turkish Cypriots between 1963-74. The mass graves of Turkish Cypriots in places such as Ayvasil, Murataga, Attilar, Sandallar*

*and elsewhere, stand as testimony to the ruthless application of this abhorrent policy which was clearly laid out in the notorious Akritas Plan<sup>77</sup> and a painful lesson to us all as we try to forge a more sound and secure future in Cyprus.*

*Makarios' public exhortation in August 1964 to the effect that "if Turkey comes to save the Turkish Cypriots it will find no Turkish Cypriot to save" is a clear indication of keeping Turkish Cypriots as "hostages to Greek Cypriot policies". We are now told that EU membership of "Cyprus" does not depend on the settlement of the Cyprus issue and that the Greek Cypriot side is entitled to be treated as the legitimate government of all. "The national objective" of the Greek Cypriot armed forces is described not only as defending the South but also "to liberate the occupied territories", meaning Northern Cyprus.*

*This was revealed in an interview by the Greek Cypriot daily, Politis, published on 17 March 2001 with the Commander of the Greek Cypriot National Guard Lieutenant-General Evangelos Florakis, who is a Greek national. His words were echoed by the Greek Cypriot leader, Mr. Glafcos Clerides himself, who, in his 1st of April "EOKA Day" message stated "The most serious responsibility we have is to liberate our lands under occupation" (Politis, dated 2 April 2001). Thus, the threat posed by the Greek-Greek Cypriot front which is manifested in the "joint military doctrine" between the two, continues.*

*On the political plane, the Chairman of the Greek Cypriot ruling party DISI, Mr. Nicos Anastasiades, has recently declared that the accession of the Greek Cypriot administration to the EU would be tantamount to Enosis (union of Cyprus with Greece). During an event organised by DISI's university students group held in Athens on 22 March 2001. Mr. Anastasiades stated that "by attaining the union of Cyprus with the European Union, we are at the same time attaining its union with Greece". It is our firm belief that this declaration by the Greek Cypriot leadership is of such significance that it obligates all those involved in facilitating a negotiated settlement in the island to take a fresh look at the*

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<sup>77</sup> circulated as UN Document A/33/115-S/12722 of 1978

*prospect of Greek Cypriot accession to the EU, before a settlement, in the name of Cyprus as a whole. I hardly need to reiterate the implications of such an eventuality for Your Excellency's efforts for a settlement.*

*Efforts aimed at reconciliation are not hampered merely by the above developments, but also by the continuing inhuman embargoes and measures of isolation imposed on the people of the Turkish Republic of Northern Cyprus. As we have repeatedly brought to Your Excellency's attention and to that of the international community, these embargoes range from prohibitions put on the simplest forms of transaction of the Turkish Cypriot people with the outside world, and even with the Greek Cypriots, to the most fundamental issues such as representation in international fora. These inhuman and totally unjustified measures, many of which date back to 1963 and therefore have a 38 year-old history, have taken their toll not only on the economic, social, cultural and political life of the Turkish Cypriot people, but also on the relationship between the two peoples, which has naturally deteriorated to the point of a total lack of trust and confidence between the two. I hardly need to stress the damage that this inimical Greek Cypriot policy has dealt to the prospects for a settlement through your mission of good-offices.*

*So far, the only response we have received to our appeals to the international community to help remove these embargoes has been a reference to the existence of these measures in a few of Your Excellency's relevant reports. While this is a welcome development, it has unfortunately not been sufficient to remove or even relax these restrictions on our people. In fact, in the most recent development on the issue of the embargoes, we have noted with disappointment that even the brief reference to the embargoes in Your Excellency's latest report to the UN Commission on Human Rights (E/CN.4/2001/31 of 20 February 2001) has been put in quotation marks upon the protestations of the Greek Cypriot administration which objected to the original form of the report referring to the issue without using quotation marks. Even this seemingly small change indicates without doubt the utter denial of*

*the Greek Cypriot party of the existence of these embargoes, and the inability or unwillingness of the international community to cope with these Greek Cypriot objections.*

*We appeal to Your Excellency to take the foregoing ominous developments into serious consideration in your current evaluations of the Cyprus issue and do what you deem is necessary. These developments confirm, once again, that any future effort must as a priority address the fundamental issue of the chronic inequality of status between the two parties, in order for negotiations on the basis of true equality to start. This is not a precondition, but a dictate of reason, justice and fairness. Otherwise, the real precondition in the way of a negotiated settlement, that is the so-called "government" status of the Greek Cypriot party, will continue to dominate and pre-empt all efforts aimed at reconciliation.*

*Please accept. Your Excellency the assurances of my highest consideration."*

In John Reddaway's view<sup>78</sup> *"EOKA'S resort to violence... introduced into political life of Cyprus a habit of violence which is still manifest thirty years later and which may now have become ineradicable."*

## **IX THE MAIN ISSUES TODAY**

### **Security**

The Greek Cypriots call for the withdrawal of Turkish troops. They assure the Turkish Cypriots that attitudes toward them have changed, but as recently as April 1994 twenty of the very few Turkish Cypriots working in the South were severely beaten by Greek Cypriots and thrown out of the country. Beatings and border violations continue to this day. The arms build-up in the South continues, with the establishment of Greek naval and air-force bases. In July 1994 the Greek Cypriots announced a 5,000 man

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<sup>78</sup> op. cit. 57

increase in the strength of their militia, and in 1996 the purchase of missiles (see below). The Greek Cypriots regularly cut off the electricity supply to the North until the Turkish Cypriots built their own power station, and they still continue their efforts to ruin the Turkish Cypriot economy.

In September 1994, the Chairman of the Greek Cypriot reserve army officers, Kypros Manulas, confirmed that ENOSIS had not been abandoned, and said that an important aim of the reserve was to "liberate" the North by attacks. (Greek Cypriot newspaper "Simerini" 11.9.94).

Even the Greek Cypriots accept that the Turkish Cypriots have reason to fear for their safety if the Turkish army left, and therefore propose complete demilitarisation, save for a UN controlled international force. They accept that there should be external guarantees. Provided that no guarantor has a unilateral right of intervention!

No Turkish Cypriot leader could agree to this proposal, for the Turkish Cypriots are outnumbered and would be again at the mercy of the Greek Cypriot militia as they were between 1963 and 1974. It would be quite impossible to disarm these paramilitaries even if the political will existed, and the British army never succeeded in doing so before they left in 1960.

So far as an international peacekeeping force is concerned, there has been such a force in Cyprus since 1964, but it was unable to prevent the extreme hardship to which Turkish Cypriots were exposed in their enclaves from 1964 to 1974. Nor was it able to prevent the Greek Cypriot attack upon Turkish Cypriots in 1967, nor to prevent the Sampson coup and the mass murder of Turkish Cypriots in 1974. In recent years the UN force has even been unable to prevent an organised band of women from crossing the UN buffer-zone and confronting Turkish Cypriots (see below). Some well-meaning western women have allowed themselves to be associated with this defiance of the United Nations.

For the Turkish Cypriots, history seemed to be repeating itself, for it was exactly that kind of violence, ostensibly by "students" or "unruly elements", but in fact backed by the Greek Cypriot political and religious leadership, which led to the

slaughter of Turkish Cypriots at Christmas 1963. It is precisely because there are so many Greeks and Greek Cypriots who think that problems can be solved by violence, and because their leaders are unwilling or unable to control them, that Turkey had to intervene to save the Turkish Cypriots in 1974.

Since international guarantees and UN troops have demonstrably failed to protect the Turkish Cypriots, they cannot be expected to ask Turkey to withdraw its troops until such time (if ever) as lasting trust and confidence between the two communities has been established.

The Turkish Cypriots remember Britain's failure to implement its guarantee in 1974, and the failure of the United Nations to prevent genocide in Bosnia and Kosovo. They have concluded that the only soldiers willing to fight, and if necessary to die, to protect Turkish Cypriot families are Turkish and Turkish Cypriot soldiers themselves. Since Turkish Cypriots alone would be heavily outnumbered by Greek Cypriots, a credible military presence from Turkey is therefore essential. There is no possibility that any Turkish Cypriot or Turkish leader could negotiate away an effective Turkish military guarantee.

The 1984 UN plan acknowledged the need for a Turkish military presence, and this was acceptable to the Greek Cypriot House of Assembly, which censured the then President, Kyprianou, for refusing to agree to it.

The European Commission has estimated that there are 30,000 Turkish troops and 4,000 Turkish Cypriot troops in Cyprus, with 26,000 Turkish Cypriot reserves. (Com (93) 313 para. 18). This includes the logistic support units, and is the minimum number needed to defend the very long border between north and south, much of it in mountainous terrain. The border has to be defended 24 hours a day, 365 days a year, and a soldier can not be effective for more than eight hours per day. Soldiers must also be absent for leave, sickness, training, and other reasons.

Across the border, the Commission estimated that there were 10,400 full time Greek Cypriot troops, with 100,000 reserves, backed by about 1,000 mainland Greek troops. A total of 111,400

men. Today there are at least 3,000 mainland Greek troops, of whom 1,000 are NCO's in the Greek Cypriot "National Guard."

It is no use saying, as some commentators do, that Turkey is only 40 miles away, and can fly in reserves if Northern Cyprus is attacked. The difficulty is that defence in depth against surprise attack is impossible, because the main centres of Turkish Cypriot population are very close, and sometimes only yards away, from the Greek Cypriot forces. Reserves could, and probably would, heavily defeat any Greek Cypriot attack, but they would be too late to save the lives of thousands of Turkish Cypriot civilians. They would also have to contend with modern air defences with which the Greek Cypriots are now equipping themselves.

The Turkish Cypriots and Turkey have nevertheless accepted, as part of an overall settlement, that a timetable for reductions of Turkish and Greek troops will be agreed before any transitional government takes office. The enormous risk which this involves for the Turkish Cypriots is the measure of their political will to achieve a settlement.

Much as one wishes to look to the future, the abuse of Greek Cypriot power before 1974 must inevitably condition the approach of the Turkish Cypriots to any future political association with their Greek Cypriot neighbours. In fact, Greek Cypriot actions since 1974 have led Turkish Cypriots to trust them even less.

### **Recent Border Incidents**

The Greek Cypriots have shown very little respect for the UN peacekeeping force, and have consistently violated the buffer zone established by the UN to reduce tension between the two sides.

The UN Secretary General reported (S/20663 on 31.5.89) that *"following violent demonstrations in the UN buffer zone in November 1988 the [Greek Cypriot] Government had given assurances that it would in future do everything necessary to ensure respect for the buffer zone."* Nevertheless the Secretary General had to report that on 19th March 1989 *"an estimated 2,000 women crossed the buffer zone at Lymbia and some managed to cross the Turkish forces line. A large number of Turkish Cypriot women arrived shortly after and mounted a*

*counter-demonstration, remaining on their side of the line. Unarmed Turkish (in fact Turkish Cypriot) soldiers opposed the demonstrators, and thanks largely to the manner in which they and the Turkish Cypriot police dealt with the situation the demonstration passed without serious incident."*

The European Commission on Human Rights (Case 15318/89) found that *the demonstration constituted a serious threat to peace and public order on the demarcation line in Cyprus."*

Again, despite the assurances of the Greek Cypriot Government *The Guardian* had to report on 18th November 1989: *"In coordinated demonstrations hundreds of students broke through UN barricades after stoning peacekeeping troops, some of whom were threatened with iron bars. In a dangerous new development several petrol bombs were thrown at the UN force. According to intelligence reports members of the Greek Cypriot National Guard in civilian clothes have been seen participating."*

No amount of conciliatory words by Greek Cypriot leaders can erase the Turkish Cypriot memory of this event nor disguise the reality which the *Guardian* reporter saw. What confidence could Turkish Cypriots have in the UN guarantees if Greek Cypriots still show no respect for UN troops?

On 4th February 1989 a Turkish Cypriot soldier on duty on the Turkish Cypriot side of the Green Line was shot dead by a Greek Cypriot national guardsman.

In April 1994 the Greek Cypriot National Guard fired on a lone Turkish Cypriot sentry at the Ermu Street guard post in Nicosia.

On 7th October 1995 a Turkish Cypriot farmer, Erkan Eđmez, was snatched from his fields, and tortured by Greek Cypriot police. On 5th March 1996 the US State Department report on human rights in Cyprus said: *Eđmez, appears to have been severely beaten in the period during and immediately after his arrest and eventually required ten days of hospitalisation. According to some eye-witnesses hooded police officials continued beating him even as he was being admitted to hospital."*

The Greek Cypriots refused to prosecute the police officers responsible, and indeed promoted them!

On 8th November 1995 hundreds of schoolchildren were given permission by Greek Cypriot officials to be absent from school. They participated in a violent riot under the guidance of teachers, in which Greek Cypriots seized a UN observation post and hoisted a Greek flag in the buffer zone. It is worth noting that it is almost always the Greek flag, not the Greek Cyprus flag, which is used on these occasions.

On 3rd June 1996 at 6.30 am a Greek Cypriot National Guardsman in uniform was shot when he violated the buffer zone and refused to stop when challenged by Turkish Cypriot sentries. On 6th August 1996 armed Greek Cypriots tried to abduct a Turkish Cypriot shepherd from the buffer zone.

On 11th August 1996 several thousand young people, many on motorcycles who were organised to ride from Berlin, were encouraged to break into the UN buffer zone and confront the Turkish Cypriots on their border. They rampaged in the buffer zone, in defiance of the UN forces, setting fire to vegetation, brandishing knives, and throwing stones and Molotov cocktails.

They tore down the UN barbed-wire fence near Dherynia, and one died in a violent struggle with Turkish Cypriots. Another was shot when he broke through the Turkish Cypriot line and tried to desecrate their flag. Instead of regretting these incidents and apologising to the UN and to the Turkish Cypriots, the Greek Cypriots have treated the two hooligans as national heroes.

Neither of these men should have been killed, and the Turkish Cypriots must exercise greater restraint in future, whatever the provocation, for there are those on the Greek Cypriot side who are deliberately putting the lives of their young people at risk for political purposes. The Greek Cypriot motorcyclists' leader Hadjicostas was asked by *Selides* magazine (27.8.96) whether he had not thought that there might be victims "*Of course I did,*" he said, "*approximately 40 bikers die on the roads each year. Let some of them die for the country.*"

The Greek Cypriot leadership must take ultimate responsibility for the death of the two men. They should have called off the incursion before it was too late, and should not have allowed them to cross into the UN Zone. Interviewed by the press immediately afterwards UN envoy Gustav Feissel said *“It was the responsibility of the Greek Cypriot Government to ensure that the cease-fire line was not violated.”*

Nor should the Greek Cypriot leadership have encouraged the organisers in the first place. The Greek Orthodox Church made a large financial contribution (*Alithia* 28.7.96), and Archbishop Chrisostomos declared in September on *Greek Star TV* *“The time has come to launch a full-scale struggle against the Turks - It does not matter how much bloodshed there is or how many victims there are.”* Many people may be surprised by such remarks from a senior clergyman. Also, the leader of the Greek Cypriot motorcyclists told *Periodiko* on 21st August 1996 *“we were promised that the Greeks would provide transport back to Germany in a Hercules transport plane of the Greek Air Force.”*

Immediately after the riot, President Denktaş called upon President Clerides to meet him. He said *“there is more need than ever for talks. I am ready to meet immediately, but Clerides may use the incident as an excuse not to meet.”* He did refuse to meet. In a letter to Clerides on 22nd September 1996 Denktaş said *“It is upon us, the leaders, to tell our peoples that there is no other way in Cyprus except co-existence as good neighbours under separate roofs, or as co-founder partners under one mutually agreed bi-zonal, bi-communal roof. Rushing our borders and claiming the right to come and sweep us off our properties and demanding submission to brute force, waving Greek flags and telling us that Hellenism will be victorious in Cyprus is surely not the way to a negotiated settlement.”*

On 13th August 1996 the Greek Cypriot *Cyprus Mail* wrote that *“The government’s handling of the whole matter has been naïve, indecisive, and irresponsible, and quoted Clerides as saying that the bloody clashes had “given the message abroad that the two communities cannot live together, and that the presence of Turkish troops in Cyprus was necessary.”*

On 17th August 1996 the *Cyprus Mail* wrote: *“For some public figures, notably the Archbishop and the leader of the socialist EDEK Party these events are the heroic expression of the outrage of Greek Cypriot youth. ....The fiery rhetoric of these two public figures raises the question - are they advocating a military campaign..? Only if the answer is yes would the events have served any useful purpose.... It does not take great intelligence to conclude that the higher the tension between the two communities, and the longer the casualty list, the more remote the chances of unifying Cyprus become.... If some populist figures seek to score a few electoral points by encouraging or justifying violent protests, the elected President must refrain from mimicking their cheap slogans and their pathetic warmongering”*

On 17th August 1996, according to the Greek Cypriot newspaper *Simerini*, new recruits to the Greek Cypriot National Guard took an oath at the Polomidhia military training centre in front of thousands of civilians that *“We will drink Turkish blood. Death to the Turks.”* How can any international observer expect the Turkish Cypriots to live in peace with people with such a sick mentality?

On 8th September 1996 two young Turkish Cypriot national-servicemen, Privates Allahverdi Kiliç and Burhan Cihangir were shot by Kalashnikov assault rifle fire from within the buffer zone whilst on duty in their sentry box at night Pvt. Kiliç died.

On 16th September 1996 at 3 am 20 shots were fired at Turkish Cypriot positions from the vicinity of the Greek Cypriot guard post at the village of Pile in the buffer zone.

On 13th October 1996 at 7.35am a Greek Cypriot violated the UN buffer zone and crossed into Northern Cyprus. He failed to stop when challenged three times by Turkish Cypriot sentries, and was shot. Examination in the presence of the UN showed that he had been carrying a commando knife and a garotte.

On 29th October 1996 at dawn two British soldiers from the Dekhelia base crossed into Northern Cyprus in a military vehicle without notice to the Turkish Cypriot authorities. Shots were fired in their direction by Turkish Cypriot sentries and they returned. There were no injuries.

On 9th December 1996 shots were fired by Turkish Cypriot sentries at two men who violated the buffer-zone in the Ayios Demetios District of Nicosia. No-one was injured.

The Greek Cypriots are cynically orchestrating these border incidents for the sake of publicity. *Greek Cypriot officials generally make no secret of the way they like to see Cyprus back at the top of the news bulletins after years of seeing it overshadowed by events elsewhere* (Sunday Times 12.1.97).

It is sometimes asked "If the Turkish Cypriots fear Greek and Greek Cypriot troops, are not the Greek Cypriots justified in feeling afraid of Turkish troops?" The answer is no. Turkish troops have been in Northern Cyprus since 1974, and no Turkish forces have set foot in Southern Cyprus in that time. If Turkey had wished to occupy the whole of Cyprus she could have done so in 1974, and would never have encouraged the Turkish Cypriots to accept successive UN Plans, which would have excluded the annexation to Turkey of all or any part of Cyprus. The build up of military force in the South serves no useful purpose, save to create tension and to undermine Turkish Cypriot confidence in the good faith of their Greek Cypriot neighbours.

It is often alleged that the UN Security Council has demanded the withdrawal of Turkish troops, but this is not the case. Security Council Resolution 353 (1974) specifically called for the withdrawal of the GREEK troops to whom Makarios had referred in his letter of 2nd July 1974, but it did not, and had no legal right to, call for the withdrawal of Turkish troops, which are there under the authority of the 1960 international agreements, namely the Treaty of Alliance and the Treaty of Guarantee.

### **Movement and Settlement of Persons**

From 1963 to 1974 the Turkish Cypriots begged the world to see that they were deprived of the freedom of movement and settlement by the Greek Cypriots to the point that the United Nations described them (doc. S/5950) as being under veritable siege, but the world turned a blind eye. Today, the Greek Cypriots demand that they should be free to move and to establish

themselves in the Turkish Cypriot area and they claim it as a human right. The Turkish Cypriots are entitled to say to the Greek Cypriots "You did not care about our human rights when you were in control for eleven years; why should we care about yours?"

The Turkish Cypriots do not however say that. They are willing to negotiate; but unrestricted access to the North would place the personal security of Turkish Cypriots at risk again. It is all too evident in Northern Ireland and elsewhere in Europe what even a very small number of determined terrorists can do. It would also expose the Turkish Cypriots again to the risk of domination by superior numbers and greater economic power, and would create great social friction, as many of their former persecutors and their families would be instantly recognised.

Even members of the Greek Cypriot leadership understand the dangers *"imagine that Greek Cypriots and Turkish Cypriots started living together in 400 villages. Wouldn't all 400 villages be 400 sources of fire? Imagine the eruption of 400 volcanoes. If a murder was committed somewhere, the whole of Cyprus would be destroyed."* (Nicos Rolandis, former Greek Cypriot Foreign Minister - CyBC Television 30.6.92).

In view of their experience from 1963 to 1974 Turkish Cypriots cannot be expected to agree to this until there is much greater confidence between the two communities. If a choice has to be made between freedom of movement and a right to live in peace, the latter must clearly prevail. President Denktaş has however made it clear that as part of an overall settlement some carefully controlled access would be permitted, but not to known terrorists.

The Greek Cypriots have always exaggerated the number of their displaced persons, and they frequently claim in excess of 200,000, but a census of evacuated Greek Cypriot dwellings in 1974 showed that there cannot possibly have been more than 105,000. This is approximately equal to the number of Turkish Cypriots who have been displaced - 25,000 in 1963 and 65,000 in 1974.

As there are only about 200,000 Turkish Cypriots, for even 100,000 Greek Cypriots to return north would make nonsense of the principle, accepted by the Greek Cypriots and the UN, that the future of Cyprus is as a bi-zonal, bi-communal federation. Indeed, in an interview published in the "Cyprus Mail" of 23rd March 1977 Makarios said that the return of all Greek Cypriots to their former homes was out of the question, and he estimated that only about 10% would even wish to return. Nevertheless the Greek Cypriot government continues for political reasons to keep alive the hopes of former residents of the North by frequent televising of their former homes.

As long ago as 22nd May 1978 President Denktaş offered to allow the inhabitants of Varosha, a Greek Cypriot suburb of Famagusta, to return provided that the old Nicosia international airport could be reopened by the UN for the benefit of both peoples. The Greek Cypriots have consistently rejected this offer, and it was later incorporated in a set of "Confidence Building Measures" proposed by the UN Secretary General in 1993 (See below), which they also rejected.

The Turkish Cypriots do not demand the right of movement and settlement in the South, as very few of them have any desire to live among the Greek Cypriots for the foreseeable future. As for the few who did remain in the south, see "The ECHR and Turkish Cypriots" below.

### **Immigration**

Throughout the ages people from many different countries and faiths have settled in Cyprus. These have included Hittites, Egyptians, Phoenicians, Assyrians, Persians, Greeks, Romans, Arabs, Lusignans, Venetians, Turks, and British. There have been Greeks and Turks in Cyprus for many hundreds of years. Gradually, over the years the Turkish, and then the British rulers of the island allowed more and more Greeks to settle, so that by the time the British left in 1960 the population was 80% Greek and 20% Turkish.

Greek Cypriots complain that large numbers of people of Turkish origin have been allowed to make their homes in Northern Cyprus since 1974, but they forget that far more Turkish Cypriots emigrated to Turkey, Britain, the United States and other countries during the period 1963 to 1974 and earlier periods, when life in Cyprus was made extremely difficult for them.

During the 1955-74 period, emigration of Turkish Cypriots was actively promoted, by terror, economic deprivation, and one-way assisted passages, but very little was heard from the international community about those attempts to "change the demographic structure of the island." The Greek Cypriots are still doing this to the few Turkish Cypriots left in the South (*Alithia* report 30.12.96 above).

The people who have settled in Northern Cyprus since 1974 came to help rebuild the Turkish Cypriot economy from the ruins to which eleven years of persecution had reduced it, and very many of them are of Turkish Cypriot origin. It would be impossible for the Turkish Cypriot Government to introduce compulsory repatriation for such people. The Turkish Cypriots do not complain about the many thousands of Greeks, Lebanese, and others who have been allowed to settle in the South, and according to the European Commission (Com (93) 313) the Greek Cypriots are importing labour from Eastern Europe.

It is often alleged that President Denktaş owes his position to the "Turkish Settler" vote, but this is absurd. Rauf Denktaş has led the Turkish Cypriot people for forty years, and is consistently re-elected with a much higher percentage of the total votes than any other western democratic leader. In fact the "settlers" put up a candidate against him, who was heavily defeated.

### **Territory**

Greek Cypriots say it is an injustice that Turkish Cypriots occupy a third of the land area of the island although in 1974 they were only about 20% of the population. However, there are four answers to this:

First, there is no country in the world in which each ethnic group occupies such proportion of the land area as its numbers bear to the total population, and the Greek Cypriots did not regard the equitable distribution of territory as important between 1963 and 1974. They forced the entire Turkish Cypriot population, most of whom were dependent on agriculture, to live in enclaves amounting in total to less than 3% of the land.

In Cyprus under Ottoman rule Turks and Turkish Cypriots as individuals and through their religious foundation EVKAF, owned most of the land, but Greek Cypriots were allowed to purchase land as free citizens, and by the time of independence in 1960 Turkish Cypriot holdings had reduced to about 30% of the land. Throughout the 1950's and 1960's Greek Cypriots were encouraged to buy land from Turkish Cypriots, but Greek Cypriots who contracted to sell land to Turkish Cypriots were treated as traitors by EOKA and dealt with accordingly.

In 1974 Turkish Cypriots owned large areas of agricultural land in the South and they have acquired in exchange large areas of land in the North which are unsuitable for cultivation due to scarcity of water and due to salination. They have also acquired in exchange some good beaches and old hotels, but the main hotel complex at Varosha is an unusable ruin as a result of the Greek-initiated war of 1974. It is extremely difficult for Turkish Cypriots to develop their tourist industry in view of boycotts practised against them, particularly in the field of air transport, mentioned below.

Second, the area in which the Turkish Cypriots live is close to the minimum necessary to establish a defensible position and to ensure reasonable economic viability. The Turkish Cypriots did not wish to live in a divided island, and are well aware of the benefits of a larger economy, but for the Greeks and Greek Cypriots to complain about the division, having caused it to occur, is rather like a boy who kills his parents complaining about being an orphan. Trust and confidence having been destroyed, it is impossible to go back to the status quo ante.

Third, the Turkish Cypriots have, by accepting the 1986 UN draft framework agreement, shown that they are willing to make territorial adjustments.

Fourth, the Turkish Cypriots have accepted that as part of an overall settlement there will be an exchange and valuation process, and compensation will be made in property and/or money to those on both sides who have lost their property.

### **Extradition**

There are a number of persons living in Britain and other European countries who face charges in Northern Cyprus for drug trafficking and other serious offences. Similarly there are persons living in Northern Cyprus who face charges abroad. Such persons could be brought to justice if Britain and the other countries concerned would enter into an extradition treaty with Northern Cyprus. They will not do so because they, wrongly, refuse to recognise Northern Cyprus as a State (see below).

There is however a well developed system of co-operation between the law-enforcement agencies of Northern Cyprus and those of other countries, and a Turkish Cypriot wanted for murder in Britain has actually been tried and convicted in Northern Cyprus.

### **Missing Persons**

#### **(a) Greek Cypriots**

No human tragedy has been the subject of such blatant political exploitation as the case of missing persons in Cyprus. This issue has been a convenient, and very effective stick with which Greek Cypriots could beat Turkey before world opinion and enlist international sympathy for themselves. For more than twenty years the Greek Cypriot government has deceived its people into thinking that their loved ones might still be alive, but in October 1995 they had to admit that not only were many of them known to be dead, but that the whereabouts of their remains were also known, and had been withheld from their families. Some were actually known to be alive. Andreas Mayas (Missing Person no. 572) was receiving a state pension.

The Greek Cypriot *Cyprus Mail* said (27.10.95) “So now the truth is out. We are not talking about 300 dead, but 96 people killed during action in 1974 - and that is only from an initial examination of 487 files out of 1,619 in the Attorney-General’s office.... Successive governments have a lot to answer for. Why were those put on the list of missing people in the first place?”

On 3rd March 1996 the *Cyprus Mail* wrote: “Subsequent (Greek) Cypriot governments have found it convenient to conceal the scale of atrocities during the coup in an attempt to downplay its contribution to the tragedy of the summer of 1974 and instead blame the Turkish invasion for all casualties. There can be no justification for any government that failed to investigate this sensitive humanitarian issue. The shocking admission by the Clerides government that there are people buried in Nicosia cemetery who are still included in the list of the “missing” is the last episode of a human drama which has been turned into a propaganda tool.”

On 19th October 1996 Mr. Georgios Lanitis wrote: “I was serving with the Foreign Information Service of the Republic of Cyprus in London.....I deeply apologise to all those I told that there are 1,619 missing persons. I misled them. I was made a liar, deliberately, by the Government of Cyprus.....Now it seems that the credibility of Cyprus is nil.”

On 12<sup>th</sup> June 1999 The Guardian reported: “The war cemetery of Lakatamia (in Southern Cyprus) seems to be respectable..... But the well-tended surface of the cemetery conceals a very different story, as the wives of those missing or dead discovered officially this week when the graves were exhumed to reveal piles of bodies unceremoniously buried together.

Although there have been repeated rumours of Greek Cypriot PoWs being held in Turkish jails and Anatolian salt mines, none has ever been found. Mrs. Maroulla Siamisi said: "There were faces [in those graves in Southern Cyprus]. They could easily have been identified. Why deny there were lots of bodies in there? Why mock us for 25 years?" Mrs Siamisi, 33 when her husband Andreas disappeared, is not alone: an estimated 1,619 Greek Cypriot civilians and soldiers vanished in 1974.

*The wives and fiancées left behind are known as Penelopes. They are angry that since (1974), successive (Greek) Cypriot governments have used them at huge rallies to denounce the Turks for concealing the fate of the missing.”*

As time passes there are more exhumations from places in the South, where the Turkish army did not venture. On 9<sup>th</sup> June 2001 “Cyprus Today” wrote: *“Slowly but surely the casualties of war whom the Greek Cypriot Administration claims to have been missing since 1974 are turning up. The latest batch of 36 whose identities have now been confirmed, bring the total identified by DNA testing to 108.*

*The fact is that the 1,600 on the list are not “missing.” They are not being held in Turkish jails or any other place from where “sightings” have been reported over the decades. They are – very sadly for their families – dead.*

For Greek Cypriots, their loved ones went missing from 15th July 1974 when, as noted above, Greek Cypriot paramilitaries backed by mainland Greek troops overthrew the Makarios regime and began to slaughter any Greek Cypriot suspected of being a supporter of Makarios, before turning their attention to Turkish Cypriots.

On 17th April 1991 Ambassador Nelson Ledsky testified before the US Senate Foreign Relations Committee that *“Most of the missing persons disappeared in the first days of July 1974 (ie before the Turkish intervention on the 20th). Many killed on the Greek side were killed by Greek Cypriots and in fighting between supporters of Makarios and Sampson.”*

On 19th July 1974, before the Turkish army landed, Archbishop Makarios told the UN Security Council *“I do not yet know the details of the Cyprus crisis caused by the Greek military regime. I am afraid that the number of losses is great..... I considered the danger from Turkey lesser than the danger from Greek army officers.”*

The Greek newspaper TA NEA published an interview on 28th February 1976 with Father Papatsestos, the Greek Orthodox priest in charge of the Nicosia cemetery. He recounted the events

of 17th July 1974 when Greek officers required him to bury truckloads of Greek Cypriots in mass graves, together with one young Greek Cypriot whom they buried alive, and ten dead Turkish Cypriots. This one priest counted at least 127 bodies brought to him, and there must have been many similar incidents throughout the island.

On 22nd July 1974 The Times reported that *"a production Director from Dublin said he had seen bodies being buried in a mass grave near Paphos [in Southern Cyprus] after last Monday's coup. People were told by Makarios to lay down their guns and were shot out of hand by the National Guard, he said."*

On 23rd July 1974 The Times reported *"Fears that many supporters of Archbishop Makarios may have been massacred since the last week's coup were expressed in London yesterday, by an American-born woman whose husband is now on top of EOKA-B's wanted list. She was told that about a hundred members of the Presidential Palace guard had been killed after they laid down their arms. Although Nicos Sampson claimed that since the coup no one had been killed or tortured while in custody, she had heard differently. According to very reliable sources, EOKA and the Greek officered Greek Cypriot National Guard were not taking prisoners and was told by trusted sources that those they hated were being killed on capture."*

On 6th November 1974 TA NEA reported the erasure of dates from the graves of Greek Cypriots killed in the five days 15th - 20th July, in order to blame their deaths on the subsequent Turkish military action.

The Greek Cypriot daily Phileleftheros reported on 14th June 2006 that in a case, which started in South Nicosia District Court, the issue of the accusation of the Greek Cypriot administration for negligence by the family of a missing person was taken up. The wife and three children of the "missing person" named Christofis Pasha sued the Greek Cypriot administration for not informing them in due time of the fate of their relative who died in 1974 and for not making explanation for 25 years.

According to the daily, the family of Pasha had informed the government that he was lost in 1974 and his name was put on the

missing persons list. However, during the exhumations in 1999 at a cemetery in Lakadamia in the South the remains of Pasha was found and handed over to his family. The wife and three children of Pasha was now taking legal action against the Greek Cypriot government for not informing them about the fact that he was buried in a cemetery in Lakadamia with a marked grave and for wrongly listing him as a missing person for 25 years.

In an article on 28th February 1976 in the Greek Cypriot press Father Papatsestos said: *"It is a rather hard thing to say, but it is true that the Turkish intervention saved us from a merciless internecine war. The Sampson regime had prepared a list of all Makarios supporters, and they would have slaughtered them all."* Many of the people saved by Turkey are members of the present Greek Cypriot leadership.

During the fighting with Turkish troops between 20th July and 16th August 1974 many Greek Cypriots died in combat. So far as possible their bodies were recovered and identified by Turkish forces. There were very few deaths of Greek Cypriot civilians. It is regrettable but true that some Greek Cypriot militiamen fell into the hands of Turkish Cypriot militia, who killed them in retribution for the appalling crimes which had been committed against the Turkish Cypriots.

The balance of probabilities is therefore that of those Greek Cypriots still listed as missing most were killed during the Sampson coup of 15th - 20th July 1974, and that others died in combat. Some are in mass graves such as those described by Father Papatsestos, and the remainder have no known grave. Those killed in the fighting with the Turkish army would not have died if the Greek Cypriots and Greece had not tried to exterminate the Turkish Cypriots and annex the island to Greece, and the blame for their deaths must rest firmly upon their own leadership.

### **Prisoners of War**

Prisoners of War taken by the Turkish Army were sent to Turkey, where they were visited by the Red Cross, and repatriated on 8th August 1974, 16th September 1974, and 28th October 1975 under international supervision. There are no prisoners of war still in Turkey. Until recently however allegations continued to made

of "sightings" of Greek or Greek Cypriots in Turkey, and sometimes photographs were produced.

On 17th April 1991 US Ambassador Ledsky told the Senate Foreign Relations Committee *"The US Ambassador to Turkey has looked into all of these allegations and found there was no substance. The Turkish Government was co-operative and the Turkish and US Governments worked together on this. The subject has been exhausted and we haven't even heard an allegation in two years."*

On 5th March 1996, US Ambassador Ledsky confirmed that there is no evidence that any of the missing persons is still alive.

### **(b) Turkish Cypriot Missing Persons**

The Turkish Cypriots have at least as much interest as the Greek Cypriots in finding out what happened to members of their families who are missing, but most Turkish Cypriots have concluded that they are dead and will never be seen again.

For Turkish Cypriots, their bereavement goes back at least as far as Christmas 1963 when, as noted above, the numerically superior Greek Cypriots made a violent attack upon the Turkish Cypriot civilian population. This was not war, but a premeditated attack upon defenceless women, children and old men. The attacks were repeated in 1964, 1967 and again in 1974.

A Greek Cypriot reservist, Nicos Yenias, had this to say about his experiences in 1974 *"we decided to go to Mersinliki and then to Lefkoniko, a ghost town. But what we saw going through two small Turkish Cypriot villages, Sandallari and Maratha was so shocking that it will stay in my memory for ever. Men of EOKA B were digging trenches with excavators and were burying old men and children from these villages whom they had killed. One of them boastfully told us 'we have done our job.'"*<sup>79</sup>

There are 803 Turkish Cypriot missing persons. A number of mass graves have been found, upon which memorials have been built, but many of these Turkish Cypriots have no known grave. Their families have been encouraged by the Turkish Cypriot

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<sup>79</sup> HARAVGI (Greek Cypriot daily) 20<sup>th</sup> July 1998.

leadership to accept the inevitable conclusion that they are dead and to put their grief behind them.

### **Turkish Cypriot Prisoners**

In Limassol, Larnaca, and Paphos the Greek Cypriots had rounded up all the Turkish Cypriot men and kept them as prisoners of war in football stadiums and army camps under intolerable conditions in the summer heat.

Clerides had to agree to release the prisoners, but maintained that they would have to go back to the places in the south where they had been arrested, and not to the north. Denктаş asked the Red Cross if this was in accordance with international law – they said “no – the captors have no right to decide where the prisoner goes after his release.” So after tough negotiations lasting more than a month the Greek Cypriots had to let them go north, but they had to leave their families in the south. This was an intolerable situation, and Denктаş made it his top priority to get the Turkish Cypriots in the south permission to join their own people in the north. This was achieved by the Exchange of Populations Agreement of 2<sup>nd</sup> August 1975.

### **Efforts to trace Missing Persons**

The Committee on Missing persons, comprising a Turkish Cypriot, a Greek Cypriot, and a Swiss member appointed by the UN Secretary-General and representing the Red Cross, was established in July 1981. 169 cases have been submitted to them from both sides and the Turkish Cypriot and Turkish authorities have given their full cooperation.

However, in a letter dated 18th July 1988 from the then British Foreign Secretary, Sir Geoffrey Howe QC MP, to Mr. Charles Glass, Sir Geoffrey said *"One stumbling block we know the Chairman has encountered is the Greek Cypriot insistence on physical evidence of the death of individuals. Unfortunately this is simply not available so long after the event. Unless this problem can be resolved in some way, it is likely that the Committee will report that no agreed conclusions are possible."*

The Greek Cypriot leadership still tries to keep alive the question of missing persons as a political weapon against Turkey and the Turkish Cypriots. Their insistence, after more than 20 years, on the production of a live or dead body before they will consider a case closed, makes it very doubtful that they have any genuine interest in assisting the Committee on Missing Persons to complete its work.

However, in December 2001 President Denktaş invited the Greek Cypriots to cooperate, without waiting for an overall settlement, in a concerted effort to find out what had happened to the people from both sides who had been missing for 26 years and more. The Greek Cypriots responded positively on 18<sup>th</sup> January 2002.

## **X ATTEMPTS AT SETTLEMENT**

Since 1968 attempts have been made to negotiate an agreement pursuant to which the Greek and Turkish Cypriots could be united under some kind of constitution for the whole island.

The Turkish Cypriot leader, Rauf Denktaş , a London-trained barrister, has been a member of the Turkish Cypriot leadership since the early 1950s. He became leader after Dr. Küçük in 1972 and has been consistently elected by the Turkish Cypriots as their leader and now their President. He has since then negotiated with Makarios, Clerides, Kyprianou, Vassiliou, and now Clerides again as successive leaders of the Greek Cypriots.

Denktaş is described by Mr. Michael Dekleris, the Greek constitutional expert, as follows: *“When I knew him he was a realist, a moderate man at the negotiating table. His attitude was of a man who seriously wanted and pursued an agreement. I negotiated with him for two and a half years, and during that period I can say that he behaved in a responsible and moderate manner.”* (Fileleftheros 6.10.96).

On 8th June 1972 Rauf Denktaş made the following statement at the opening of the inter-communal talks:

*“The area in which Cyprus is located is highly sensitive; the inseparable ties of the two communities with their motherlands are too strong to be denied; the fact that whatever happens between*

*the two communities is inevitably reflected in Ankara and Athens cannot be disregarded. We therefore, as the two national communities, the co-founders of the independence and sovereignty of Cyprus... have a duty not only to our respective communities and to Cyprus as a whole, but also an international duty of maintaining the peace in this delicate area, in the knowledge that by so doing we help our motherlands to normalise their political relations. Cyprus should be and can be made a bridge of Greco-Turkish friendship and cooperation and our role to this end can be most significant."*

In 1977 Makarios and Denktaş agreed that *they were not seeking a return to the 1960 Constitution, but envisaged a bi-communal federal republic* in which each community would have territory under its own administration. Makarios died in 1977, and in 1979 Kyprianou and Denktaş affirmed that agreement. It is on that basis that all subsequent talks under UN auspices have taken place.

However, the main obstacle to progress appears to have been the lack of political will on the part of the Greeks and Greek Cypriots to put these agreements into effect. On 17th March 1965 Makarios said *"We shall keep the Cyprus question open and will never close it under any circumstances or conditions ..... until we close it through union with Greece."* Indeed, on 24th November 1983 the Greek Prime Minister said *"We can only negotiate for a unitary Cyprus. For us neither federation nor confederation is an acceptable solution. Our proposal is for the establishment of a unitary State. We can negotiate on this after the departure of the Turkish soldiers"* ("Ethnos" 24.11.83).

Clerides foresaw where Greek Cypriot policy was leading when he wrote the third volume of his memoirs in 1991. At p. 367 he said:

*"Now we are willing to accept an unconcealed federal solution, but we still do not realize that as time passes, even the possibility of a federal solution is receding and becomes beyond our reach."*

As noted above, Cyprus never was a unitary state, and no Turkish Cypriot leader could accept such a state, in which the Greek Cypriots could use their superior numbers to control the whole island. This would put the Turkish Cypriots back into the impossible position they were in from 1963 to 1974. Even more important is the Greek and Greek Cypriot insistence that Turkish troops leave the island, for this would leave the Greek Cypriots free to renege again on whatever constitution they had agreed, and to resort to violence again, just as they did in 1963, 1964, 1967, and in 1974.

Of course, no one can be certain what the Greek Cypriots would do, but the Turkish Cypriots cannot be expected by others, whose families would not be in danger, to take that risk.

On 15th March 1999 President Glafcos Clerides himself, speaking at a memorial in memory of Evagoras Pallikarides, a member of the EOKA terror organization, said ***“Our aim is not to find any solution, but to guarantee Cyprus’ Hellenism.”***

### **United Nations Plans**

The fundamental problem with United Nations involvement in the Cyprus question is that by successive resolutions the Security Council has aligned itself with the Greek Cypriot position, and thereby forfeited the confidence of the Turkish Cypriots. If the UN is to have any useful role in the future it must review and amend those resolutions and put itself in a position of neutrality as between the two peoples of the island.

In November 1984, after lengthy discussions with both sides the then UN Secretary General, Perez de Cuellar, put forward a draft framework agreement for a comprehensive solution of the problem through the establishment of a federal republic.

On 1st December 1984 The Times wrote *“In a dramatic move which would break the diplomatic impasse on efforts to end the division of Cyprus, the Turkish Cypriot community has offered important concessions and effectively left the ball in the Greek*

*Cypriot court. Rauf Denktaş, the leader of the Turkish Cypriots, announced on Thursday that his side was in complete agreement with the peace plan put forward by the UN Secretary-General."*

Kyprianou, after consulting Athens, said he could accept the plan only as a basis for discussion. This announcement surprised even his own people, and a motion of censure upon him was passed in the Greek Cypriot House of Representatives.

During the debate Ezekias Papaioannou, leader of the AKEL Party said: *"Kyprianou never adopted the basis of federation which was agreed upon by Makarios and Denktaş, and he never exerted any effort for the solution of the Cyprus problem on the basis of a federation. He never respected the summit agreements."* Mr. Glafcos Clerides, then leader of the Democratic Rally Party and now President of Southern Cyprus, said: *"Kyprianou asked for the renegotiation of everything from A to Z. He should not have brought forth again issues which had already been debated and agreed upon with Denktaş."*

On 21st January 1985 the Associated Press wrote: *All points of the draft agreement, which set basic guidelines for the reunification of the Mediterranean island under a loose federation, were accepted by the Turkish Cypriot side. Mr. Kyprianou wanted to renegotiate almost all 14 points of the agreement.*

According to The Washington Times (22nd January 1985) *The blame for the breakdown of the Cyprus talks at the UN on Sunday lies with Greek Cypriot President Spyros Kyprianou ... according to a consensus of western diplomats and UN officials. These sources concede that Turkey and the Turkish Cypriot leadership have been more than conciliatory and reasonable in their approach to a plan for a two-zone Cypriot federation drafted by UN Secretary-General Perez de Cuellar, formerly the UN mediator in Cyprus and an expert on the issue.*

The Times wrote on 21st January 1985 *UN officials said that President Kyprianou even questioned the basic tenets and principles of an accommodation with the Turkish Cypriots,*

*including the concept of bi-zonality and equal political status for the two communities.*

In April 1985, the Secretary-General put forward an amended version of his plan, which was accepted by the Greek Cypriots. This document had not however been discussed with both sides and the Turkish Cypriots rejected it.

In March 1986, after further discussions, this time with both sides, the Secretary-General put forward a new draft framework agreement, which again envisaged a federal solution. This document was again accepted by the Turkish Cypriots in its entirety. The Greek Cypriots replied that before they would even express their views upon it there must be agreement on withdrawal of Turkish troops, and civilians who had come to Cyprus since July 1974, *"effective international guarantees, freedom of movement, freedom of settlement, and the right to property"*. They proposed an "International conference", (which had been suggested first by the Soviet Union) or a "high level meeting".

When he had presented his plan the Secretary-General made it clear (UN doc. S/18102/Add.1, para. 6) that it *"preserved all the points on which agreement had been achieved since August 1984 . . . , suggested solutions to the remaining divergencies in a manner that in my judgement protected the interests of both communities, and proposed procedures for negotiation of the outstanding issues which remained to be tackled, including withdrawal of non-Cypriot forces, guarantees, and freedom of movement, freedom of settlement, and the right to property"*.

### **Response to Greek Cypriot Rejection of 1986 UN Plan**

On 29th May 1987 the Secretary General reiterated *"that the procedures proposed in the draft framework agreement had provided each side with every opportunity to ensure that the negotiations proceeded in a manner that took full account of their concerns and that the concept of an integrated whole meant that the parties' ultimate commitment to an overall solution would depend on the resolution of all issues to their mutual satisfaction"*.

On 23rd October 1987 in the House of Commons the British Minister of State for Foreign & Commonwealth Affairs said "*We continue to believe that the proposals form a good basis for settlement and we urge their acceptance even now. We believe that the proposals took account of both the internal and international aspects of the Cyprus problem. They were put forward on the basis that acceptance of each part depended on the acceptance of the whole*". (Hansard col. 1110).

However, the Greek Cypriots persisted in their demand that the issues which were important to them be isolated and dealt with as a precondition. They were thereby seeking to take the benefits of the Secretary-General's initiative without making any concessions.

Even Constantine Mitsotakis, later to be Prime Minister of Greece, said that withdrawal of Turkish troops should be seen as the result of a settlement not the precondition for one.

On 14th June 1986 The Times reported that "*the UN Secretary-General had cast his usual diplomatic discretion aside to blame the Greek Cypriot community for obstructing his attempts at a negotiated solution to the Cyprus dispute ... The warning was a rare concerted public effort to bring home the message to the Greek Cypriots that time was not on their side. With the Turkish Cypriots having firmly placed themselves in the right by accepting the UN package the door was open for further consolidation of their Turkish Republic of Northern Cyprus*".

The Times continued "*It was also a deliberate effort to make it as difficult as possible for Mr. Kyprianou to continue side-stepping the package in the hope of seeing it fade into obscurity*". Unfortunately the Greek Cypriots have indeed been permitted to continue side-stepping the package without any real diplomatic costs, and are still holding out for their own terms.

To say, as some countries do, that they will *never* recognise two states in Cyprus means that the Greek Cypriots can be as

inflexible as they like and can prolong the political uncertainty and economic embargo for the Turkish Cypriots indefinitely.

The two sides have a fundamentally different approach to the negotiations. The Turkish Cypriots accept the reality that the 1960 constitution has been destroyed, that the two peoples have lived apart since 1963 and have occupied their present territory for many years, that people on both sides have adjusted to their new environment and have been getting on constructively with their lives since then. They see the two political entities as negotiating together as equals to form a new political association acceptable to them both.

The Greek Cypriot leadership on the other hand have been misled by world acceptance of their own assertions into thinking that they are indeed the legitimate government of all Cyprus, and that they are dealing with a "rebellious minority" who have to be brought back under their authority. It is most unlikely that they will agree, except as another paper commitment, to anything which would exclude forever the possibility of Greek Cypriot control of all Cyprus or annexation to Greece.

Since these two fundamentally different approaches are most unlikely to be reconciled there is little prospect for an agreement. As noted above, the Greek Orthodox Church is very rich and has enormous influence in Cyprus, and it is impossible for the secular leadership to take any action of which the church leaders strongly disapprove. It is an article of religious faith for them that the island be annexed to Greece, and any proposed settlement which did not leave this possibility open would certainly be rejected by them. Any settlement which left intact an effective Turkish military guarantee would of course exclude that possibility.

In February 1988 the Greek Cypriots elected a new leader, Georgios Vassiliou who, it was hoped, would bring a fresh approach to the whole matter. The Turkish Cypriots hoped that Vassiliou would be able to accept the basis for settlement outlined in the 1986 UN plan, and they hoped that he would adopt a more

constructive approach than his predecessor, Kyprianou. They were disappointed.

In March 1988 President Denktaş invited the newly elected leader for an informal social meeting with him, and proposed a comprehensive programme of confidence-building measures in the social, cultural, medical, environmental, educational, and other fields. The informal meeting never occurred because Mr. Vassiliou insisted that it take place at the "Presidential Palace" in South Nicosia with his participation as "President" of all Cyprus. Likewise the confidence building measures foundered on the refusal of the Greek Cypriots to deal with the corresponding Turkish Cypriot institutions on a basis of equality.

Vassiliou hoped that the Turkish Cypriots could be persuaded to make more concessions than even the 1986 plan contained, and he made maximum use of all the diplomatic advantages which as the "Government of Cyprus" he possessed, to create international pressure. In particular, he enlisted the aid of Greece to use its position as a member of the European [Union] to bring pressure to bear upon Turkey to put its own aspiration to join the Union before its moral and Treaty obligations toward the Turkish Cypriots. He took full advantage of the fact that Turkey, having no voice in the - Union, could not participate in the policy-making process.

### **1988-90 Talks**

From 1st November 1988 the Turkish Cypriots presented 12 papers setting out their detailed proposals. On 30th January 1989 the Greek Cypriots submitted a paper containing their outline proposals for a settlement, but this paper did not even mention the Turkish Cypriot proposals.

Whilst the Greek Cypriot proposals were outwardly reasonable, and contained many paper commitments for the protection of the Turkish Cypriots, it was clear that the Greek Cypriots were still unwilling to agree to anything which would close the door in substance upon their ambition to dominate the island again and/or to annex it to Greece. In particular, they continued to seek to undermine the Turkish military guarantee, in

the absence of which any new agreement would be worth no more than the agreement which the Greek Cypriots tore up in 1963.

The Turkish Cypriots submitted their written response to this paper on 13th February 1989. In February 1990 the two leaders met with the UN Secretary-General at New York. In his statement of 2nd March the Secretary General made it clear **that the relationship between the Greek Cypriots and Turkish Cypriots was not one of majority and minority**, and that any solution must be decided upon by, and acceptable to, both of them. See also his "set of ideas" 21.8.1992 para. 3).

The talks broke down because, despite the Secretary-General's statement, the Greek Cypriots refused to accept that the Turkish Cypriots had the right of self-determination. This is contrary to common sense, because a worthwhile agreement is not an abstract thing, it is a consensus which must be freely reached and which both parties must genuinely wish to put into effect. The Greek Cypriots are also wrong in law, and in detailed written opinions two of the world's leading international lawyers, Mr. Eli Lauterpacht QC of the UK and Mr. Monroe Leigh of the US confirmed in 1990 that each of the two parties do indeed have the right of self-determination.

On 12th March 1990 the UN Security Council passed resolution 649 which stressed that any solution must be reached freely and must be mutually acceptable, and called upon the two leaders to cooperate on an equal footing with the Secretary-General. This is perhaps the first UN resolution on Cyprus to be based on reality; it is fair to both sides, and does not refer to the Greek Cypriots as "the Government of Cyprus." In reality there has been no change, as the UN continues to regard the Greek Cypriot administration as the Government and the Turkish Cypriots as a mere community.

Following the New York meeting President Denktaş resigned, so as to submit his policy to the judgement of the Turkish Cypriot electorate. On 24th April 1990 he was re-elected with 66.7% of the vote on a 93% turnout.

## **An International Conference?**

On 8th June 1991 the Greek Cypriots reverted to the demand which they made in 1986 that there should be a multi-party international conference. They proposed a nine member conference, but had the audacity to suggest that they (as the "Government of Cyprus") should be a party to the conference whilst the Turkish Cypriots should only attend from time to time as "consultants," together with representatives of the Greek Cypriot "community." This proposal was rejected by the Turkish Cypriots.

In August 1991 US President George Bush proposed a four party conference under the auspices of the UN Secretary-General, which had first been proposed by President Özal of Turkey in 1990. The participants would be Turkey, Greece, the Turkish Cypriots, and the Greek Cypriots. This arrangement acknowledges the realities of Cyprus and accords equal status to all the parties most intimately concerned, but the conference was never convened.

## **The UN Initiatives of 1992/94**

In June 1992 the new Secretary-General, Boutros-Ghali, invited the two leaders to New York for discussions on a "set of ideas" for an overall settlement containing 10 points and a "non-map", which he presented on 15<sup>th</sup> July.<sup>80</sup> A protracted series of meetings ensued, and the Turkish Cypriots accepted 91 of the 100 points. The Greek Cypriots would not commit themselves, saying only that the set of ideas could form the basis for discussion (not negotiation). In November 1992 the Secretary-General admitted that there was a deep crisis of confidence between the two sides, and that it was necessary to try to build some confidence before any further progress could be made.

Subsequently the Security Council (Res. 789) treated the Set of Ideas as if it were a prescription for a settlement which both

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<sup>80</sup> UN doc. S/24472 annex.

sides were in some way bound to accept. They were not it seems entitled to hold positions which were at variance with that "Set of Ideas."

In early 1993 there were Presidential elections in Southern Cyprus, and Mr. Glafcos Clerides was elected. On 1st July 1993 (UN doc. S/26026) the Secretary General proposed a set of 14 "confidence building measures" of which the two most important were the reopening of Nicosia International Airport (NIA) so that the Turkish Cypriots would have direct air access to the outside world; and the reopening for occupation by Greek Cypriots, and commercial activity by both sides, of the fenced-off area of the Famagusta suburb of Varosha (about 4km x 1.5km), which had been deserted since July 1974.

The Turkish Cypriots considered that only a complete removal of the Greek Cypriot economic embargo would be a sufficient quid pro quo for the handover of Varosha; and that the area of Varosha north of Dhimokratias Street should remain as a security buffer zone to protect the port area. They were however persuaded to withdraw these objections, and on 15th February 1994 the two leaders committed themselves to intensive discussions on the implementation of the UN package. The Secretary-General noted (S/26026 para. 50) that Turkey had expressed public support for the package and encouraged its acceptance. However, the Greek Cypriot daily "Eleftherotipia" reported on 7th February that the Greek Under-Secretary for Foreign Affairs, Mr. Theodoros Pangalos, had voiced clear opposition to the CBMs, saying that neither Greece nor the Greek Cypriots had any intention to negotiate the CBMs to the end.

It is surprising that the Turkish Cypriots were willing to accept this package, because they were being asked to hand over actual territory in return for little more than a hope that after 12 months or more, their passengers and cargoes would be able to fly unhindered to other countries. There were no guarantees of traffic rights or of admission to those other countries - merely a promise by the UN to "use their best endeavours." Nor was there any guarantee that the airport would not be closed by terrorist activity,

and there was no residual right in that event to use a secure airport in the North with the same traffic rights.

Nevertheless the Turkish Cypriots did accept the package, but to their astonishment they were then presented by the UN on 21st March 1994 with a set of "draft ideas" which differed in several very important respects, to the advantage of the Greek Cypriots, from the package to which the Turkish Cypriots had agreed. The Greek Cypriots accepted this "non-paper" with alacrity, and declared that they would accept no departure whatsoever from it.

The main differences were as follows:

### **Varosha**

The package was extended to include in effect a zone to the south of the fenced-off area, which was comparable in size to the whole of that area. In that zone the Turkish Cypriots were required not only to allow unhindered passage between the fenced-off area and the north-south border buffer-zone, but to hand over control of the whole zone to the UN. (As to the inability of the UN to control the existing buffer-zone See *Recent Border Incidents* above).

### **Nicosia International Airport**

The original package (para. 43) had provided that traffic rights at the airport would be limited to **foreign** airlines (ie including airlines registered in Turkey, but excluding the Greek Cypriot "Cyprus Airways" which already enjoys full international traffic rights from Larnaca airport). The altered package included the Greek Cypriot airline; an alteration with important commercial consequences.

The original package did not place any restriction on the number of airlines registered in Turkey which would be allowed to use NIA. The altered package limited the number to "an agreed number"

The original package did not deprive either side of its right to collect customs duties. The altered package transferred that right to the UN.

When they saw the altered package the Turkish Cypriots were dismayed. Such confidence as they had in the UN was undermined, and many among them advocated their complete withdrawal from the whole UN process. Nevertheless President Denktaş with the support of Turkey maintained contact with the UN Special Representative and with the American Ambassador, Robert Lamb, in an effort to salvage something. There was in particular a meeting in Vienna on 11/12th May 1994 at the initiative of the United States and attended by the UN Deputy Special Representative.

After lengthy discussions, the Turkish Cypriots eventually agreed to accept substantial alterations of the original package, including the UN map defining the area of Varosha to be handed over, and alterations relating to access to and from the fenced area of Varosha, and the use of NIA by "Cyprus Airways." They communicated their acceptance by telegram to the UN on 1st June 1994.

The Secretary-General knew of the progress of these discussions, and yet at 7.30 pm on the evening before, he released a report (dated 30th May) which made no mention of them, and blamed President Denktaş for causing a breakdown of the talks. This report had a profound effect on public opinion in Northern Cyprus. The initiative of the Secretary-General was intended to build confidence between the two parties, but its result has been to undermine such confidence as the parties had in each other, and to bring the United Nations even further into disrepute among the Turkish Cypriot people.

In the face of the Turkish Cypriot acceptance, the Secretary-General was obliged to withdraw from his previous position, and to acknowledge in his letter of 28th June that the subsequent talks with the Turkish Cypriot leader between 6th and 16th June 1994 had *"registered considerable progress toward agreement on the*

*modalities for implementing the package of confidence-building measures."* He took the view that *"there had now been sufficient progress for the UN to implement the package on the basis of the 21st March paper and subsequent clarifications."*

The Turkish Cypriots quite reasonably insisted that verbal assurances given to them be incorporated in the text of the 21st March paper, but both the Secretary-General and the Greek Cypriots refused to do so. The Secretary General then passed the matter to the Security Council with the suggestion that it consider the options for the future contained in his report dated 30th May.

One of the options (para. 58) was to adopt coercive measures against one of the parties *"in order to compel it to be more flexible and co-operative in negotiations on the question of confidence building measures."* Rarely in the annals of the United Nations can there have been a more foolish recommendation from the Secretary-General. How can one possibly build confidence by coercion? Moreover, since the purpose of confidence-building measures is to facilitate an overall agreement which, according to the Secretary-General himself (S/24472), would have to be endorsed by a separate referendum in each part of the island, how can anyone believe that people would vote for a settlement made by coercion?

Another option (para. 57) was *"to conclude that, after 30 years of endeavour, it has become evident that the political will for a negotiated settlement of the Cyprus dispute simply does not exist, and that the scarce peacemaking and peacekeeping resources of the United Nations should be redirected to other disputes and conflicts where there might be a greater chance of success."*

Dr. Hugo Gobbi, formerly Special Representative in Cyprus of the UN Secretary-General has concluded that the solution should be two associated Republics (Rethinking Cyprus 1993 p 85). Similarly Dr. Takis Evdokas, Greek Cypriot politician and journalist *"Following complete separation the Turkish Cypriots will feel that they constitute an independent political entity, and in time the Greek Cypriots will learn to respect the independence of*

*the Turkish Cypriots. In line with this, groups wishing for cooperation will emerge on both sides and meanwhile the leaders will change. Then the question of re-uniting Cyprus will come on the agenda.”*

This is a much more sensible option, because the solution to the Cyprus question is not just a matter of finding the right form of words. The reality seems to be that the Greek Cypriots have no political will to reach a negotiated settlement. They prefer to keep their unjustified international status as the government of all Cyprus - and to continue their efforts to persuade the international community to force the Turkish Cypriots into submission.

This became quite clear when President Denktaş and President Clerides met for direct talks in October 1994. Following the talks President Denktaş wrote to the Secretary General (UN doc. A/49/685; S/1994/1330) on 21st November 1994 *“I wish to confirm that I am prepared and willing to sign the confidence-building measures agreement; that I believe that the implementation of the confidence-building measures agreement would help in facilitating an overall solution; that we are fully committed to a bi-communal and bi-zonal federal solution; and that I am always available and prepared to engage in face to face negotiations with Mr. Clerides. The Turkish Cypriot side does have the political will and readiness to reach a negotiated settlement with the Greek Cypriot side and to bring an equitable solution and lasting peace to both peoples of our beautiful island.”*

## **1995-2001**

The Greek Cypriots refused to have any further discussions with the Turkish Cypriots- on one occasion rejecting initiatives from President Denktaş on the absurd ground that they were written on the wrong letter heading! It is clear that they saw membership of the European Union and a build-up of military might, instead of negotiation, as the way to secure their objective.

Mr. Glafcos Clerides, has made it clear that his policy is based on “rearmament, military cooperation with Greece, and the exertion of

pressure on Turkey through EU membership.”<sup>81</sup>. In his memoirs *My Deposition* at p.366 he had expressed the wiser view that “we still continue to hold views that are unrealistic. Some of us dream a false dream and advocate that it is possible by arming ourselves, by obtaining other than conventional weapons, to change the balance of power in our favour.”

Mr. Gerasimos Arsenis, former Greek Minister of Defence said: “Hellenism is getting stronger each day and will be victorious by the end of the century.”<sup>82</sup> In May 1995 meetings were held in London between officials from both sides, but the Greek Cypriot side demanded that the Turkish Cypriots concede membership of the EU as a precondition to further talks. On 6th December 1995 the Turkish Cypriots tried again, and drafted a further offer of talks, with the assistance of US Presidential Envoy Richard Beattie. They were rejected by the Greek Cypriots.

On 5th March 1998 President Denktas wrote to President Clerides, inviting him to make together, in good faith, a new beginning on the basis of political equality.

On 10th March 1998 President Denktas told U.S. envoy Thomas Miller that the Turkish Republic of Northern Cyprus must receive official recognition before talks to reunify the island can restart. “You cannot get anywhere when you treat only one side as the legal government of the whole of Cyprus,” he said.

From 17 to 22 March 1998 the Secretary-General’s Special Adviser on Cyprus, Mr. Diego Cordovez, visited Nicosia for consultations with the two Presidents. He reported that it was not possible to find a common basis on which to resume the negotiations. “While both Presidents emphasised their continued belief that a peaceful solution to the Cyprus problem should be

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<sup>81</sup> Fileleftheros 7.12.96

<sup>82</sup> *Alithia* 31.7.95

pursued through the United Nations, they strongly disagreed on the parameters that should govern the process.”

A Turkey-TRNC joint declaration issued on 23rd April 1998 after a meeting in Ankara between President Denktaş and his Turkish counterpart, President Suleyman Demirel, said that: *"There are two distinct peoples, states and democratic administrations in Cyprus. No durable solution can be reached unless this reality and the sovereign rights of the Turkish Cypriot people are acknowledged."*

On 27th April 1998 the US special presidential envoy for Cyprus, Richard Holbrooke, proposed a Dayton-style peace conference under the chairmanship of the United States. He proposed that "the existence of two distinct Cypriot administrations" be acknowledged, but the Turkish Cypriot side maintained that the definition was obscure and unsatisfactory, while the Greek Cypriots completely rejected the suggestion on the grounds that after acknowledgement of its "existence" the TRNC could withdraw from talks.

Holbrooke also proposed the inclusion of the Turkish Cypriots into the European Union (EU) accession process as a separate and equal team along with the Greek Cypriot delegation. The Turkish Cypriots considered the suggestion obscure and sought clarification of "equality of the two teams" and the formula according to which the number of Turkish Cypriot representatives would be set. They also considered the term "equal powers" too vague.

Greece and Greek Cyprus did not favour a Dayton-style conference, thinking it might strengthen the hand of the Turkish Cypriots and lead eventually to international recognition of the TRNC.

On 29th April 1998 President Denktaş said the Turkish Cypriots were ready for a quadrilateral conference, but emphasised that the status under which the TRNC would join the talks was essential. *"We do not say that all the world and the United Nations should recognise us. What we want is the acknowledgement of the existence of the TRNC and our right [to sovereignty],"*

On 1st May 1998 President Denktaş acknowledged that recognition was a long-term procedure for the United States, and added "*I do not expect recognition from the United States. But they do not have the right to tell other countries not to do so, as they did before. They converted this stance into a United Nations resolutions, and I expect them to correct this injustice.*"

On 5 May 1998 Richard Holbrooke was told by the Turkish Cypriots that resumption of the Cyprus negotiations process required three steps: Establishment of the principle of equality of the two peoples and administrations on the island; withdrawal of the Greek Cypriot unilateral bid for European Union (EU) membership; and termination of the economic embargo on Northern Cyprus.

On leaving the island Holbrooke said that "the European Union's failure to put Turkey on the same basis as the other 11 countries that began the (accession) process was a mistake. "*This unequal treatment,*" he said, "*contributed substantially to what I consider a temporary impasse (on Cyprus), but a serious one.*" Mr. Holbrooke admitted that "*It is clear Glafcos Clerides does not represent or have control over the Turkish Cypriots. This is a fact,*" he said.

Prof. Peter Pernthaler of Innsbruck University, Austria, took the view<sup>83</sup> that "*the first step toward unification must be international treaties embedded in a confederal system – and not in a federal state yet. This seems to be the only realistic and democratic way for the now strictly separated political entities to create a new homogenous legal and political system.*"

With regard to the principle of bi-zonality agreed between the two peoples in 1977, Prof. Pernthaler points out that "*in a federal system the population must not be divided by allotting certain groups of people to certain parts of the territory*" and believes that Cyprus membership of the EU as a confederation is the only

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<sup>83</sup> Seminar in Jerusalem 1998

realistic option, with freedom of movement restricted by a derogation from EU norms until such time as a federation could be established.

*“in a bi-zonal, bi-communal, federal system” he believes “accords between the two nations are a precondition to the exercise of constitution-making power. The reason is that both nations equally share sovereignty of the new state, based on their respective rights of self-determination.*

On 31st August 1999 President Denktaş on behalf of the Turkish Cypriots proposed a Confederal solution as follows:

“1. A special relationship between Turkey and the TRNC on the basis of agreements to be concluded.

2. A similar special relationship between Greece and the Greek Cypriot Administration on the basis of symmetrical agreements to be concluded

3. Establishment of a Cyprus Confederation between TRNC and GCA.

4. The 1960 Guarantee System shall continue.

5. The Cyprus Confederation may, if parties jointly agree, pursue a policy of accession to the EU. Until Turkey’s full membership of the EU, a special arrangement will provide Turkey with the full rights and obligations of an EU member with regard to the Cyprus Confederation.

The ultimate aim of the negotiations will thus be a partnership settlement which will be a confederated structure composed of two peoples and of two States of the island supported by symmetrical agreements with the two respective Motherlands and Guarantor states. All rights and powers which are not transferred to the confederal entity will reside with the two confederated states. Any agreement to be reached as a result of the negotiations will be submitted for approval in separate referenda.

By participating in these negotiations the parties will acknowledge that the Greek and Turkish Cypriot sides are two sovereign and equal states, each with its own functioning democratic institutions and jurisdiction, reflecting the political equality and will of their respective peoples. They will also acknowledge that the authorities of one party do not represent the other.

We believe that only this structure,

- (a) will provide for the security of both sides,
- (b) will safeguard their identity and well-being.

If the Greek Cypriots agree to this final basis, we are ready to begin negotiations to establish the Cyprus Confederation.”

This proposal was rejected by the Greek Cypriots without any discussion

On 8th May 1998 Russia proposed demilitarisation of the island. On 17 December 1998 Richard Holbrooke during a visit to Athens made proposals aimed at reducing tension and blocking the deployment by the Greek Cypriots of S-300 missiles in Cyprus. Holbrooke’s seven-point plan called for:

1. Widening of the Green Line between the two sides by 1 km.
2. A reduction in the number of Turkish and Greek troops.
3. Cancellation of orders for arms by the two sides.
4. Postponement of military exercises.
5. A reduction in tank units.
6. Measures to facilitate travel between the Turkish and Greek Cypriot sides.
7. Resumption of the intercommunal talks.

On 21st December 1998 the German Ambassador to Nicosia, Gabriel Von Melson Tilborg in an interview with the Greek Cypriot daily ‘Haravgi’ stated that “*President Denktas’ recent*

*confederation proposal can be accepted as a kind of reconciliation,”* and criticised the instant rejection of the proposal, without it even being properly evaluated and opportunities being given to it by the Greek Cypriot Administration.. The Ambassador added that *“no one can impose or should desire to impose a solution on Cyprus.”*

In February 1999 the Greek Cypriot daily *‘Fileleftheros’* published the results of a survey which showed 20% of Greek Cypriots in favour of two separate states. It also showed 45% in favour of a federation, 42% against, and 13% undecided. On EU membership, 79% opposed membership because it carried the danger of partition, 17% favoured EU membership, even at the expense of partition and 4% made no comment. Following the publication of this survey President Denktaş called upon President Clerides to return to the negotiating table - with no response.

Relations between the Turkish Cypriots and Greek Cypriots took a turn for the worse when it became apparent that the Greeks and Greek Cypriots were assisting the PKK terrorist organisation, which had killed many thousands of people in Turkey. The PKK leader, Abdullah Öcalan, was given a Greek Cypriot passport, and was sheltered at the Greek Embassy in Nairobi. Further, the Greek Cypriot House of Representatives offered its unconditional support to the terrorist leader on 18th February 1999. They have also provided the PKK with weapons and training facilities, and have used their considerable political and media influence in Europe and America in support of the PKK, and in support of political attacks on Turkey by the Armenian lobby.

This makes it very difficult for Turkish Cypriots to negotiate with, or place any confidence in, the Greek Cypriots, and has been a major setback to the prospects for a Cyprus settlement.

An opinion poll carried out in South Cyprus in March 1999 for the Greek Cypriot daily *‘Politis’* showed that the majority of Greek Cypriots surveyed preferred to maintain the status quo on Cyprus rather than make sacrifices and accept a solution which they regarded as against their principles. 52.3% of Greek Cypriots did

not favour the idea of a bi-zonal federation and strongly supported the Joint Defence Pact with Greece. 48.1% agreed with the amount being spent on defence by the Greek Cypriot Administration.

11th March 1999 the American State Department's Special Co-ordinator for Cyprus, Thomas Miller, met with TRNC President Denktaş. He was informed that if the US is to help find a solution to the Cyprus problem, it must openly tell the Greek Cypriots, even if it is behind closed doors, "*to give up their ongoing rearmament programme, give up their dreams of extending Greek Cypriot sovereignty to Kyrenia and Famagusta, stop seeing the Turkish Cypriots and Turkey as their enemy and treating them as such. Cyprus has two owners, and whatever rights the Greek Cypriots have, we have too*".

President Denktaş stressed that it was not possible for the Greek and Turkish Cypriots to live together on Cyprus and called upon the US to base its initiatives on the existence of two separate states and establish bridges between the two sides. The President also pointed out that the presence in South Cyprus of the PKK terrorist organization was a source of tension on the island.

There are people in Southern Cyprus who take a more realistic view than their political leaders. On 30th May 1999 the Greek Cypriot *Sunday Mail* editorial asked *Would any party leader in his right mind oppose a loose confederation if the Turkish side was willing to return 10% of the territory it controls to the Greek side?* The editorial continued that Greek Cypriot politicians "*demand a strong central government which has control over both federal states. They ignore the fact that the Turkish side has no rational reason to agree to such an arrangement. With regard to the regular calls for the return of all refugees to their homes not even the politicians who make these demands believe them.*

The Greek Cypriots have always exaggerated the number of their refugees, usually claiming about 200,000. However, their own Attorney-General, Kriton Tornarites, admitted<sup>84</sup> that the

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<sup>84</sup> Pamphlet "*Legal Aspects of the Problem of Refugees in Cyprus*"

entire Greek Cypriot population of the North was no more than 129,000 at the time of the 1974 intervention.

Dismissing the option of renewed war because *the defiance and courage of our politicians is restricted to vacuous rhetoric, lofty-sounding slogans, and posturing*, the editorial noted that they expect the US and the EU to hand them on a plate the right to dictate their own terms, but *after 25 years it has not dawned on anyone that this will not happen*. It concluded by saying *we could always stick to our demands for a federal solution, a strong central government, and the return of all refugees, but if we do we will end up with nothing, no matter how many more initiatives there are.*”

At its Cologne Summit in June 1999 the G-8 Group called upon the UN Secretary-General to invite the leaders of the two sides in Cyprus back to the negotiating table without preconditions. The Turkish Cypriots responded that they had been negotiating for more than twenty years under the UN formula and had got nowhere. They were now of the view that the Greek Cypriots would never settle with them for so long as the world accepted the Greek Cypriot Administration as the government of all Cyprus.

The Turkish Cypriots challenged the G8 and the UN to justify the position which the world had created, in which the Greek Cypriots were accorded a privileged position notwithstanding their violation of the Constitution and the 1960 Treaties and their gross violations of the human rights of the Turkish Cypriots. The Turkish Cypriots maintained that this position was legally and morally wrong, and that to accept it any longer would be inconsistent with the dignity of the Turkish Cypriots as a free people.

In their view the “precondition” was continued acceptance of the Greek Cypriot status, and would have to be removed before any progress could be made.

Turkish Prime Minister Bulent Ecevit speaking on Turkish television on 23rd June fully supported the statement made by TRNC President that the Cyprus negotiations could start anytime,

if the independence of the Turkish Republic of Northern Cyprus is recognised and the talks are held on the basis of equality.

The report by UN Secretary-General, Kofi Annan on his good offices mission in Cyprus was published on 24th June 1999. Annan stated that in Autumn 1999 he was ready to invite the leaders of the two sides in Cyprus back to the negotiating table without preconditions. He devoted coverage to the meetings of his representative Dame Ann Hercus with President Denktaş and President Clerides within the framework of the shuttle diplomacy, and underlined the fact that both sides attended the meetings in a constructive way.

Security Council Resolutions 1250 and 1251, adopted on 29th June 1999 called for unconditional talks between the Greek and Turkish Cypriot sides on the basis of previous council resolutions, which reject a settlement based on partition or secession. In particular, paragraph 11 of Resolution 1251 states that a settlement "*must be based on a State of Cyprus with a single sovereignty and international personality ... and such a settlement **must exclude union in whole or in part with any other country** or any form of partition or secession.*" The Mandate of the UN Peace Keeping Force in Cyprus (UNFICYP) was also extended.

The Turkish Cypriots responded that the Security Council, by continuing to accept the Greek Cypriot side as the 'legitimate government' was acting partially and that unless the existence of two separate states was accepted they would not sit at the negotiating table.

The Turkish Foreign Ministry said that the Security Council's approach, which contravenes the reality on the island, has been the primary cause for the failure to find a solution to the Cyprus issue up to the present. They pointed out that, in the resolution which extended the mandate of UNFICYP it was said that, the mandate was extended with the consent of the so-called 'Government of Cyprus.' In reality there was no such government, and the consent of the Turkish Cypriot authorities had not been sought.

The Ministry added that there were serious hurdles in conducting talks in Cyprus as a result of the Greek Cypriot side's claims and behaviour, and in such circumstances the adoption of a resolution by the Security Council, based on the G-8 communiqué, was not compatible with the good offices mission.

On 4th July 1999 Turkish Prime Minister Ecevit made a press statement evaluating Turkey's relations with the International Monetary Fund. Responding to a question whether the financial aid to be given to Turkey by the IMF would be decided according to Turkey's performance in her international policies especially on Cyprus and Northern Iraq, Ecevit stressed that Turkey's policy on Cyprus should not be mixed with other issues. He said that the TRNC's existence is a reality, *"just as we cannot give up our right to sovereignty, we cannot give up on the independence of the TRNC."* He added, *"no-one should doubt this. We announce our views on this issue to the world."*

On 5th July the Leader of the Turkish Nationalist Movement Party (MHP) and Deputy Prime Minister, Devlet Bahçeli said that the just cause of the Turkish Cypriot people is for them a sensitive issue and a matter of honour. He said *"Turkey is continuously being labelled as the side that does not want a solution. However, such criticism is something that the Turkish Republic does not deserve. Our country has always been against and will continue to be against one-sided impositions, and efforts ignoring the existence of the Turkish Cypriot people"*.

Turkish President Suleyman Demirel said on July 7th that, there could be no return from the Turkish policy on Cyprus. He said the Cyprus cause remained a national one for Turkey and called on the Turkish Cypriots to feel comfortable and not to worry at all as to their future.

On 9th July 1999, in a seminar given in Trabzon President Denktaş said that it was important to understand the importance of Cyprus for Turkey and that the Cyprus issue is not simply a question of saving 100-200,000 Turks. *"If that was the case, Turkey would have transported us to some other place and solved the problem."*

*Cyprus has a geo-political importance for Turkey. If Cyprus were to go to Greece, then starting from Iskenderun all the waters in the south would be closed to Turkey. Turkey cannot give up on Cyprus and will never give Cyprus to Greece".*

On 12th July 1999 Turkish Foreign Ministry Spokesman Sermet Atancali told Reuters that Turkey would reject any attempt to link its candidacy for European Union membership to progress on resolving the division of Cyprus.

On 15th July 1999 the Turkish Grand National Assembly held a special meeting to discuss the issue of Cyprus and to hear an address by President Denktaş. Following the meeting all political parties represented in the parliament, issued a joint declaration that *"no solution will be found in Cyprus without accepting the reality that there are two separate states on the island and without looking at those two states as equals. There is no place for the slightest doubt on this"*

The joint statement continued that Turkey's rights of guarantee and her strategic interests over Cyprus will always be preserved and that the Turkish Cypriots' legal rights and interests including the status of their state and their security would be protected and defended. The statement rejected the appeal by the G-8, criticising the group for calling for talks without recognising President Denktaş as head of state.

In separate statements the Leader of Motherland Party, Mesut Yilmaz, said: *"No pressure can make Turkey or the TRNC take a backward step from their just cause."* The Leader of Virtue Party, Recai Kutan, said: *"we took the necessary lessons from past, and no one should forget that the Cyprus issue can only be solved between the related states."* The Leader of the True Path Party, Tansu Ciller, for her part said that *"Greek Cypriot full membership of the EU would be against international agreements, and the negotiations between Greek Cypriots and the EU are a diplomatic invasion. For Greek Cypriots, this has no other meaning than achieving Enosis with Greece."*

On 28th July 1999 Dame Ann Hercus resigned from her post as the UN Secretary-General's Special Representative for Cyprus, citing "family reasons." TRNC President Denktas commented *"As I said to her on the very first day and again on the day that she came to inform me of her resignation; if the UN Secretary-General's mandate does not change and in spite of all efforts, if the Greek Cypriots continue to be accepted as the "legal government" of Cyprus, there is no possibility of solving the Cyprus issue. 36-years of experience must have proved this to the members of the Security Council and the Secretary-General"*. Chilean diplomat James Holger was appointed her successor.

In September 1999 President Denktas went to New York for talks with the UN Secretary General and others. At the conclusion of the talks he made it clear to the Secretary-General that there could be no more talks on the old "inter-communal" formula. If the UN wanted talks they would have to accept each side as sovereign states both inside and outside the conference chamber, and the Security Council would have to repeal its 1964 and 1974 Resolutions which aligned the UN itself with the Greek Cypriot side.

Whilst President Denktas was in New York it was reported that the US administration had proposed to him a formula based on two sovereign republics in Cyprus and a shared Cyprus sovereignty. He is reported to have said that as there already exists two sovereign states the issue of discussing a third sovereignty could be the starting point for negotiations and requested that this be conveyed to the Greek Cypriot side.

Cyprus is of course acutely affected by relations between Turkey and Greece. These relations took an unexpected turn for the better as a result of devastating earthquakes in both countries in August and September 1999. The fact that Turkey was accepted as a Candidate for EU membership at the December 1999 Helsinki summit is also a positive factor, but has produced no discernible change in EU attitudes to the Cyprus Question.

In December 1999 President Denktas and President Clerides went to New York for "proximity talks" where they were in the same building but not the same room. These proximity talks continued but despite active involvement by a second-term American

President, and a new positive relationship between the two mother countries, no results were achieved, for the reasons set out in the Introduction to this book

On 12th September 2000 the UN Secretary-General Kofi Annan made it clear in a written statement (SM/7546) that he had *“ascertained that the parties share a common desire to bring about, through negotiations in which **each represents its side — and no one else — as the political equal of the other, a comprehensive settlement enshrining a new partnership on which to build a better future in peace, security and prosperity on a united island. In this spirit, and with the purpose of expediting negotiations in good faith and without preconditions on all issues before them, I have concluded that the **equal status of the parties** must and should be recognised explicitly in the comprehensive settlement, which will embody the results of the detailed negotiations required to translate this concept into clear and practical provisions.”***

It is however obvious that political equality in the negotiations is not enough. Outside the negotiating process the United Nations itself takes a partisan attitude by accepting the Greek Cypriot claim to be the Government of Cyprus, and thereby compromises its own position and creates a fatal imbalance.

If a Confederal settlement were to be reached it would be dangerous to have any Confederal Courts. Knowing the propensity of the Greek Cypriots to litigate, they will encourage their citizens (and Turkish Cypriots over whom they have influence) to bring countless actions which could change the balance of rights and responsibilities established by the settlement. The European Court of Justice has by a process of interpretation already changed the terms of the treaties as understood by the UK when it joined. In addition all Supreme Courts have a tendency through their decisions to transfer power to the centre.

The interpretation of confederal laws and regulations as they apply to Turkish Cypriots, or in relation to land situate in or activities carried on in the North, should be done by the Turkish Cypriot courts alone, and vice versa. If in the cases before the courts attention is drawn to significant issues which need to be resolved,

they should be resolved by negotiation in the Joint Committees of the Confederation, not by unelected judges.

The question (a) whether the Confederation should accede to the European Convention on Human Rights, and (b) whether citizens of the Confederation should have a right of direct access to the ECHR will need to be carefully considered. As the *Loizidou* case has shown, recourse to international tribunals can be used for political purposes.

The same issue would arise after EU accession, in relation to the proposed EU Charter of Fundamental Rights. It would need to be made very clear that those rights cannot be used to challenge the provisions of the settlement itself or to change the balance of rights and responsibilities which it establishes.

On 11<sup>th</sup> October 2001 the Greek Cypriot House of Representatives passed a resolution refusing to discuss confederation with the Turkish Cypriots, rejecting the Secretary-General's opening statement, and insisting that the talks be held on the basis of existing UN resolutions. They also insisted on the withdrawal of Turkish troops and the repatriation of families from the Turkish mainland to whom they referred as "settlers."

In November 2000 the Turkish Cypriots concluded that the Greek Cypriots would not agree to anything unless the international political environment changed, and they accordingly suspended the talks. They nevertheless agreed to meet the Secretary-General on 28<sup>th</sup> August 2001 in Salzburg.

Greek Cypriot President Clerides left Cyprus on 10<sup>th</sup> September 2001 for New York for talks with the Secretary-General. Turkish Cypriot President Rauf Denktaş said that for the time being the Turkish Cypriots do not find UN mediation helpful and that he had offered direct talks with Clerides. There was at first no response to this offer, which was repeated in writing on 8<sup>th</sup> November 2001. Talks were later fixed to begin on 4<sup>th</sup> December 2001

Turkish Prime Minister Ecevit backed the Turkish Cypriot decision and said it was not Denktaş but the Greek Cypriot leader who was avoiding negotiations.

In an opinion poll in Turkey conducted by ANAR on 27-29 November 2001, 62% believed that Turkey should prefer Cyprus, if it has to make a choice between a solution on Cyprus or EU full membership. Only 32 percent of those who participated in the poll believed that EU full membership is more important than Cyprus.

The poll revealed that 38 percent of Turks thought that the EU is right in its criticisms against Turkey while 48 percent believed that it is wrong.

According to the poll, 49% believed that two independent states on the island is the most suitable solution in Cyprus while 29% preferred federation. Only 8% believed that Turkey should annex Cyprus.

49% believed that Turkey's policy regarding the Cyprus issue is right, and 62% viewed President Denktaş as successful in his Cyprus policy. Only 21% thought he is unsuccessful.

## **XI THE PRESENT SITUATION**

### **International Relations**

As noted above, for the time being, the world recognises the Greek Cypriot Administration as the Government of Cyprus, though they plainly do not represent the Turkish Cypriots, and they have themselves destroyed the 1960 Constitution which was the legal basis of that Government. "Cyprus" Ambassadors and High Commissioners are all Greek Cypriots, they occupy the Cyprus chair at the United Nations, at Commonwealth meetings, and at meetings of all the major international organisations.

*“From 1964 to the present, the Greek Cypriot regime has claimed to be the legitimate government of the Republic of Cyprus, with sovereign rights over the whole island and all its inhabitants. There is no basis in international law for such a claim.”* (Monroe Leigh op. cit.).

It is hardly surprising that almost all international proceedings and personal contacts on the Cyprus question are one-sided, and this must impair the authority and essential validity of the numerous General Assembly, Security Council, and other resolutions which the Greek Cypriots so often use in support of their case. Likewise, in the Institutions of the European Union the Greek representative consistently argues the Greek Cypriot case, but Turkey and the Turkish Cypriots have no voice.

The UK Commons Select Committee on Foreign Affairs recommended in July 1987 that *"whatever the prospects for an early federal settlement the British Government and others must recognise the need to release Northern Cyprus from its present "pariah" status, and that everything possible should be done to facilitate contacts between Northern Cyprus and the outside world"*.

### **Economic Embargo**

The Greek Cypriots have used their unwarranted status as the Government of Cyprus to persuade the world to practise a partial but very damaging economic embargo against the Turkish Cypriots. These "sanctions" do not have the authority of any UN Security Council Resolution under Article 41 of the Charter.

The embargo is not the result only of European Court decisions, and has nothing to do with the Turkish Cypriot declaration of independence in 1983. The Turkish Cypriots have in fact suffered an embargo on their trade and communications for more than 35 years - since they were driven into defended enclaves as long ago as 1964.

Most of the international trade and investment goes to the Greek Cypriot South, and the Turkish Cypriots are still placed at an enormous disadvantage by absence of diplomatic relations. They not unnaturally regard this as a serious injustice, and they ought not to be expected to endure it any longer. The House of Commons Select Committee recommended in July 1987 that:

(i) Normal postal and telephone services should be restored between north and south Cyprus and between north Cyprus and the outside world.

(ii) International commercial air services should be permitted to the North.

(iii) Ships' Masters who use harbours in the north should not be subjected to threats of legal penalties in the South.

Very little has been done, save that telephone numbers in Northern Cyprus are now obtainable from International Directory Enquiries, and some of the main travel agents have ceased to discriminate against Northern Cyprus. Airlines are able to fly from Britain and other European countries to Northern Cyprus but the international requirement for a stopover (but without changing planes) in Turkey increases the time and cost of the flight.

The Greek Cypriots have also succeeded in constructing an international embargo against the participation of Turkish Cypriot sporting clubs in international events. This is a petty attitude which does nothing to foster trust and confidence between the two peoples of Cyprus, and should be abandoned forthwith. Some non-governmental organisations are however beginning to realise that it is wrong to exclude the Turkish Cypriots, and are now admitting them.

These boycotts were intended to force the Turkish Cypriots to concede Greek Cypriot demands, but they have served only to drive the Turkish Cypriots closer than ever to Turkey.

On 5th July 1994 the European Court of Justice in *R. v. Minister of Agriculture and Fisheries, Ex parte SP Anastasiou (Pissouri) Ltd.; Cypruvex (UK) Ltd.*<sup>85</sup> gave judgement in an action initiated by the Greek Cypriots in the English courts. They held that member states of the EU could not import fruit and vegetables from Northern Cyprus without a certificate issued by the Greek Cypriot authorities. The court came to this conclusion simply because the member states of the EU recognise the Greek Cypriots as the only government of all Cyprus.

The Court brushed aside the argument of the Commission and the British Government that the Greek Cypriots would never grant certificates to Turkish Cypriot producers, and that to require such

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<sup>85</sup> Case C-432/92

certificates would be to discriminate against the Turkish Cypriots in violation of Article 5 of the EU-Cyprus Association Agreement 1972. The Commission had made it clear that in its view a policy of non-recognition should not deprive the people of Cyprus of any advantages conferred by the Agreement.

The court based its decision on the fact of non-recognition which, according to them, made it impossible for the officials of member states to address requests to the officials in Northern Cyprus in case any questions arose. This is an absurd basis for a decision with such far-reaching consequences. It is well known that Turkish Cypriot officials regularly cooperate on practical matters with the officials of Britain and other member-states, and non-recognition has not prevented a large-scale trading relationship between EU Member-States and Taiwan.

This case is a further example of the power which recognition gives the illegal Greek Cypriot administration, and is further evidence that they have no desire to build confidence between the two communities.

The judgement no doubt pleased the Greek Cypriot lawyers, but the foolishness of the legal action was recognised in "Alithia" a pro-government newspaper published in Southern Cyprus. On 17th July 1994, they wrote: *"the chance of reaching a solution hasn't increased following this court decision. If anything has increased it is the dependence of the North on Turkey. It should not be forgotten that before 1974 the Turkish Cypriots lived through a period many times worse than this and survived. Then, as today, we the Greek Cypriots had empty hopes due to the economic deprivation of the Turkish Cypriots and thought that they would melt with the economic problems they faced.*

*We caused the Turkish invasion by exerting pressure on the Turkish Cypriots before 1974. After 1974 we decided to exert more pressure. We imposed on them an economic embargo. We entertained the hope that the Turkish Republic of Northern Cyprus would collapse. The consequence of this has been the deepening of the gap between the two communities, and we have forced the Turkish Cypriots closer to Turkey."*

Following the completion of the project to transfer water in large plastic containers towed from Turkey to the TRNC, planning work has begun on a project to supply electricity to the TRNC from Turkey. The electricity will be supplied in 100 kilometres of cable, approximately 1000 metres underwater. Turkish President Demirel said, *“let’s install this line, let’s give the TRNC water and electricity”*. *If the world chooses not to recognise the TRNC, so be it. The TRNC has bread, it has water, it has light. It has everything it needs, so it is strong”*. Work has also begun on a water pipeline from Turkey.

Whilst not recognising the Turkish Cypriot State, the British Government has sought to maintain good practical relations with the Turkish Cypriots, and in January 1987 the British Foreign & Commonwealth Office issued a memorandum (CPS/25), paragraph 26 of which stated that: *“Our non-recognition of the Turkish Republic of Northern Cyprus does not affect our acknowledgement of the interests and aspirations of the Turkish Cypriot community. We maintain a dialogue with their leaders through our High Commissioner in Nicosia. We continue to trade with them and we try to see that they benefit from the aid we give to Cyprus.”*

The British Government has nevertheless introduced a Visa requirement for Turkish Cypriots which does not apply to Greek Cypriots. Ostensibly these visa requirements are based on the incidence of asylum-seeking on the part of Turkish Cypriots but there is no evidence that this applies any more to Turkish Cypriots than it does to Greek Cypriots. Moreover there is no justification for anyone to seek asylum in Britain from either part of Cyprus, both of which are democracies with an independent judiciary. These Visa requirements have caused serious offence to Turkish Cypriots, and to make matters worse, the British Government have required them to pay the Visa fee in Greek Cypriot currency.

### **Travel Between North and South**

Tourists arriving in Cyprus through a Northern port or airport are permitted by the Turkish Cypriot authorities to cross into the South for as long as they like, and may leave through a Southern port or

airport. However, the Greek Cypriots will not allow them to cross into the South.

Tourists who arrive in Cyprus through a Southern port or airport are allowed by the Turkish Cypriots to cross into the North provided they complete such entrance formalities as are usual at borders. However, the Greek Cypriots insist that the tourists return before 5pm on the same day. They station people at the crossing point to accost travellers and tell them that the North is an armed camp, where their safety and health cannot be guaranteed. This is of course ridiculous, as is well known by the very many members of Parliament, businessmen and holiday makers who visit Northern Cyprus every year. The Greek Cypriot authorities are naturally anxious lest foreign visitors find out for themselves that the stories they have been told in the South are propaganda.

### **Postal Services**

Any letter or parcel for an address in Cyprus will be delivered to the Greek Cypriots in the South, where items destined for Northern Cyprus are often destroyed or "lost." It is therefore necessary for items for Northern Cyprus to be addressed via Mersin 10, Turkey.

### **Tourism**

As already noted, the Greek Cypriots do their best to frighten people from taking holidays in Northern Cyprus by giving a false picture of the situation there, and by seeking to intimidate travel agents booking hotels there with threats of legal action which they well know, after the *Hesperides Hotels* case, would fail. Persons acting in the Greek Cypriot cause even threatened the London Underground with a bomb attack in 1990 if they did not remove posters advertising holidays in Northern Cyprus.

Despite the embargo, the Turkish Republic of Northern Cyprus is represented by the TRNC Tourism Promotion Office at the London and Berlin International Tourism Fairs. The stands attract a great deal of interest from the travel industry.

Today, Northern Cyprus is a thriving holiday resort, where there is hardly any crime, and where the beaches and scenery have not been

spoilt by modern development. There are daily flights from most countries, via Turkey.

### **Property and Human Rights**

Pending a settlement, Turkish Cypriot properties in the South are occupied by Greek Cypriots, and vice versa. If a settlement is reached compensation would be paid to all who lost their property, and the Greek Cypriots are therefore delaying this. There is a lot of talk in international circles about Greek Cypriot hotels occupied in the North, but very little about Turkish Cypriot homes businesses and farms occupied in the South.

A very interesting study has recently been done by Prof. Hasan Ali BiHak of Eastern Mediterranean University demonstrating that although Greek Cypriots lost more property in 1974 than did Turkish Cypriots the overall financial losses of the Turkish Cypriots have been greater than those of the Greek Cypriots.

### **Property Claims**

It is essential, if an overall settlement is to have the best chance of success, to keep to an absolute minimum opportunities for disagreement, and litigation in the local courts or in the ECHR, between the Confederated States and by the citizens of one State against the government, citizens, or institutions of the other.

It is also essential if a settlement is to secure public acceptance, that forced evictions and relocation of families is kept to the minimum, and that families are not subjected to means-testing. People in Cyprus have suffered so much disruption to their lives over the years that they are entitled now to security and stability for their future.

The UN proposals of September 2000 were inconsistent with all the above objectives. They are so complex that they would cause inter-community litigation for very many years after a settlement, as to ownership, leases, tenancies and informal arrangements, inheritance, divorce settlements, occupation, value, land use, betterment, comparability, dates of occupation and dispossession, use to which property was put or is to be put, entitlement to

financial assistance, entitlement to exceptional treatment, and very many other issues.

It would be a lawyers' paradise, hugely expensive to operate, which would involve forced evictions and means-testing, and would cause friction between the Confederated States themselves and between citizens and institutions. It would also present the courts and tribunals with an impossible task, attempting often to decide cases on unreliable oral evidence more than 25 years old, and missing documents.

The right way to approach this human and economic problem is to accept that people left their old homes twenty-six and more years ago, and have re-adjusted to their present circumstances. Many have already been compensated in cash or property out of local resources or international aid. The 1975 Agreement between the Turkish Cypriots and the Greek Cypriots formalised this exchange of populations, and so much has happened in the intervening period that it is unrealistic and inhuman to attempt to unravel these events and restore people to the status quo ante. The only areas in which this might be desirable are such border areas as may be subject to territorial adjustment between the two confederated States.

As there are only about 200,000 Turkish Cypriots, for even 50,000 Greek Cypriots to return north would make nonsense of the principle, accepted by the Greek Cypriots and the UN, that the future of Cyprus is bi-zonal and bi-communal. In an interview published in the "Cyprus Mail" on 23rd March 1977 Makarios said that the return of all Greek Cypriots to their former homes was out of the question, and he estimated then that only about 10% would even wish to return. The Greek Cypriot church could be expected for political reasons to encourage, or even to pay, Greek Cypriots to repopulate the north after a settlement if they were given the opportunity.

Justice can however be achieved by the payment of compensation. It may be that in an ideal world some people would genuinely prefer to return to their old homes, but there is nothing inherently

wrong or unjust in compulsory purchase of property. Most countries do it every day in order to build new roads, railways, airports, etc., and dispossession of property for the public good is accepted.

In the case of Cyprus it is very much for the public good that people remain where they are, and any attempt to relocate Greek Cypriots in the north or vice-versa would cause stress and tension at a time when it could least be afforded. Relocation of persons would also cause security problems, especially for the Turkish Cypriots. Allegations of espionage or sabotage real or imagined would be inevitable, and would cause serious tension and even a renewal of violence. Additional difficulties would be caused by the need to provide Greek Orthodox schools and places of worship and Greek social infrastructure in the north, and vice-versa.

The UN proposed that persons with a history of violence be excluded, but the very last thing the people of Cyprus need is court cases to determine who was or was not involved in acts of violence in the past and to rake up painful memories which are best forgotten. There is of course always the risk that relatives of persons killed would not accept the judgement of the court and take their own revenge on persons they know or believe to have been responsible, or even upon their relatives.

In order to reduce to the minimum inter-State or inter-community friction, it would be best to leave the compensation of citizens to the institutions of their own State according to arrangements most suited to that State. Compensation should be paid by each State to its own citizens out of its own funds or by transfer of property, insofar as they have not already been so compensated.

Insofar as one State may consider that it has a global right, on behalf of its citizens and institutions who have lost property, to receive compensation from the other State, a Joint Claims Commission could in theory be established to make a global valuation in each State and to settle the account on an inter-State basis. This should however be avoided if at all possible. Not only would it be a very expensive, time-consuming, and difficult

process, involving many thousands of individual cases, and a huge waste of human resources, but the Commission would also need to consider many contentious issues between the States themselves.

For example, to what extent are the Turkish Cypriots entitled to credit for a share of the international aid received by the Greek Cypriots since 1963? Are the Turkish Cypriots entitled to credit for joint assets in the Central Bank as at December 1963 appropriated and used by the Greek Cypriots for the past 37 years? Are the Turkish Cypriots entitled to credit for the use and occupation of "National Land" by the Greek Cypriots? Are the Turkish Cypriots entitled to compensation for personal losses, and for the huge damage caused to their economy, in 1963 and by Greek Cypriot inspired sanctions to this day?

All these issues are best forgotten in the interests of reconciliation. A Joint Claims Commission should not be established, and each State should undertake to compensate its own citizens insofar as they have not already been compensated in cash or in property. The international community may of course also be invited to contribute to a compensation fund in one or both States.

### ***The Hesperides Hotels Case***

The dispute relating to former Greek Cypriot properties in the North came before the English courts in *Hesperides Hotels v Aegean Turkish Holidays & Müftüzade* [1978] QB 205. Giving judgement in the Court of Appeal Lord Denning said:

*"There is an effective administration in Northern Cyprus which has made laws governing the day to day lives of the people. According to these laws the people who have occupied these hotels in Kyrenia are not trespassers. They are not occupying them unlawfully. ... It follows inexorably that their conduct cannot be made the subject of a suit in England."*

The case went to the House of Lords, but the only point on which the House disagreed with the Court of Appeal related to the furniture of the hotels. This was not pursued, and is no longer of

any consequence since the furniture would now be at least 27 years old and the hotels have been re-equipped.

### **The *Loizidou* Case and *Cyprus v Turkey***

In *Loizidou v Turkey*<sup>86</sup>) the European Court of Human Rights decided under Art. 1 of Protocol 1 to the European Convention on Human Rights that the rights of Mrs. Loizidou, a Greek Cypriot living in Southern Cyprus, had been violated because, since the creation of a border between north and south Cyprus in 1974 she had not been allowed to exercise control over a vacant piece of land at Kyrenia in Northern Cyprus, which she owned in 1974 and claimed still to own. The European *Commission* on Human Rights (15318/89 para. 101) had held that there was no such violation. A similar case (*Cyprus v. Turkey* - Application no. 25781/94) was decided by the same Court on 10<sup>th</sup> May 2001.

The perversity of these cases is that Turkey, being the only one of the three guarantor powers to discharge its treaty obligations in 1974, is now exposed to the payment of millions of dollars in compensation to Greek Cypriots whose misfortune was actually caused by the incomparably more serious violation from 1963 to 1974, by members of their own community, of the human rights of the Turkish Cypriots, not one of whom has ever been compensated.

In *Cyprus v Turkey* the Court rejected no less than 19 of the Greek Cypriot complaints, and ruled against them on the crucial issue of the status of the courts of the Turkish Republic of Northern Cyprus, finding that the judicial remedies available in those courts are to be regarded as “domestic remedies” for the purposes of the Convention.

On the main issues, namely the responsibility of Turkey and the consequences of the exclusion of Greek Cypriots from the north, the Greek Cypriots achieved little more in *Cyprus v Turkey* than they had already achieved in the *Loizidou* case.

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<sup>86</sup> Judgement of 18 December 1996 (*merits*), *Reports of Judgements and Decisions* 1996-VI, p. 2223

## GREEK CYPRIOT LOCUS STANDI

In *Cyprus v Turkey* the Court held, at para. 62, that the Greek Cypriot Administration had locus standi to bring the proceedings because the international community does not recognise the Turkish Republic of Northern Cyprus. The Court considered themselves bound by the political decisions of the United Nations and failed to make any analysis at all of the question whether the TRNC was legal or not. They did not examine the 1960 Treaties, the principles of international law on recognition of States, nor the facts of the 1963-74 period, and based their judgement instead on Resolutions 541 and 550 of the Security Council, which is not even a judicial body - and on subsequent international political declarations based on them.

*If the Security Council “had assessed the situation as a whole, it could not possibly have concluded that the conduct of the Turkish Cypriot community violated the controlling legal instruments while the conduct of the Greek Cypriot community did not. Nor could it have reached any other conclusion than that the action of the Greek Cypriot community justified the conduct of the Turkish Cypriot community ..... The Resolutions were tainted by such a degree of selectivity and incompleteness as to render them arbitrary and discriminatory and thus not well-founded in law. It follows that the call to states not to recognise the TRNC was not legally justified” (E. Lauterpacht CBE QC (Written Opinion - UN doc. A/44/968, S/21463 (1990).*

*In Loizidou Judge Pettiti asked “is it possible in 1996 to represent the views of the “international community” on the question as uncontested, given that the most recent resolutions of the UN go back several years and the court had no knowledge of the missions of the international mediators? For the court it would appear that only Turkey is accountable for the consequences of the 1974 conflict!*

*Judge Pettiti continued “the status and responsibilities of the TRNC should have been examined more fully. It is true that the*

*United Nations has not admitted the TRNC as a member, but the lack of such recognition is no obstacle to the attribution of national and international powers. The case of Taiwan is comparable.”*

Moreover, even if the Turkish Republic of Northern Cyprus were not entitled to recognition, it does not follow, as noted above, that the Greek Cypriot Administration is the lawful government of all Cyprus.

In *Cyprus v Turkey* Judge Fuad observed as follows:

*29. The fact that Turkey alone has recognised the “TRNC” does not affect the realities of the position. Recognition is, after all, a political act. Once the elaborate constitutional arrangements (with all the checks and balances designed to meet the concerns and anxieties of two distrustful communities) irretrievably broke down, difficult questions regarding recognition must have arisen. Governments were, of course, free to accord or withhold recognition as they wished, but the State that was recognised could not be said to be the bi-communal Republic established in 1960 under those arrangements.*

## REJECTED COMPLAINTS

The Court rejected the nineteen Greek Cypriot complaints as follows:

There has been no breach of Article 2 of the Convention by reason of an alleged violation of a substantive obligation under that Article in respect of any missing persons (paragraph 130).

No breach of Article 4 of the Convention has been established (paragraph 141);

No breach of Article 5 of the Convention has been established by virtue of the alleged actual detention of Greek-Cypriot missing persons (paragraph 151);

No violation of Article 2 of the Convention has been established by reason of an alleged practice of denying access to medical services to Greek Cypriots and Maronites living in northern Cyprus (paragraph 221);

There has been no violation of Article 5 of the Convention (paragraph 227);

No violation of Article 6 of the Convention has been established in respect of Greek Cypriots living in northern Cyprus by reason of an alleged practice of denying them a fair hearing by an independent and impartial tribunal in the determination of their civil rights and obligations (paragraph 240);

No violation of Article 9 of the Convention has been established in respect of Maronites living in northern Cyprus (paragraph 247);

No violation of Article 11 of the Convention has been established by reason of an alleged practice of denying Greek Cypriots living in northern Cyprus the right to freedom of association (paragraph 263);

No violation of Article 1 of Protocol No. 1 has been established by virtue of an alleged practice of failing to protect the property of Greek Cypriots living in northern Cyprus against interferences by private persons (paragraph 272);

No violation of Article 8 of the Convention has been established by reason of an alleged practice of interference with the right of Greek Cypriots living in northern Cyprus to respect for their correspondence (paragraph 298);

No violation of Article 13 of the Convention has been established by reason of the alleged absence of remedies in respect of interferences by private persons with the rights of Greek Cypriots living in northern Cyprus under Article 8 of the Convention and Article 1 of Protocol No. 1 (paragraph 324);

It is not necessary to examine whether the facts disclose a violation of the right of displaced Greek Cypriots to hold free elections, as guaranteed by Article 3 of Protocol No. 1 (paragraph 327), [because the Greek Cypriots abandoned this complaint].

The court declines jurisdiction to examine those aspects of the applicant Government's complaints under Articles 6, 8, 10 and 11 of the Convention in respect of political opponents of the authorities in the "TRNC" as well as their complaints under Articles 1 and 2 of Protocol No. 1 in respect of the Turkish-Cypriot Gypsy community, which were held by the Commission not to be within the scope of the case as declared admissible (paragraph 335);

No violation of the rights of Turkish Cypriots who are opponents of the authorities in northern Cyprus under Articles 3, 5, 8, 10 and 11 of the Convention has been established by reason of an alleged administrative practice, including an alleged practice of failing to protect their rights under these Articles (paragraph 348);

No violation of the rights of members of the Turkish-Cypriot Gypsy community under Articles 3, 5, 8 and 14 of the Convention has been established by reason of an alleged administrative practice, including an alleged practice of failing to protect their rights under these Articles (paragraph 353);

No violation of Article 10 of the Convention has been established by reason of an alleged practice of restricting the right of Turkish Cypriots living in northern Cyprus to receive information from the Greek-language press (paragraph 363);

No violation of Article 11 of the Convention has been established by reason of an alleged practice of interference with the right to freedom of association or assembly of Turkish Cypriots living in northern Cyprus (paragraph 371);

No violation of Article 1 of Protocol No. 1 has been established by reason of an alleged administrative practice, including an alleged

practice of failing to secure enjoyment of their possessions in southern Cyprus to Turkish Cypriots living in northern Cyprus (paragraph 377);

No violation of Article 13 of the Convention has been established by reason of an alleged practice of failing to secure effective remedies to Turkish Cypriots living in northern Cyprus (paragraph 383).

Insofar as the Court found in favour of Greek Cypriot complaints there are grave doubts as to the juridical basis of the findings. The Court held, by sixteen votes to one that the facts complained of in the application fall within the “jurisdiction” of Turkey within the meaning of Article 1 of the Convention and therefore entail Turkey’s responsibility under the Convention (paragraph 80

## LEGAL RESPONSIBILITY OF TURKEY

In *Cyprus v Turkey* the Court did not investigate the question whether Turkey exercises control over Northern Cyprus, and simply considered it “obvious,” as they did in *Loizidou* in view of the large number of troops which Turkey stations there. If they had investigated the facts they would have found that whilst there is of course a close identity of interest and a high degree of co-operation between the governments of Turkey and Northern Cyprus, the latter government is democratically elected and pursues its own policies.

The NATO countries had large numbers of troops in Germany for most of the time since the formation of the Federal Republic, but they have never sought to interfere with the German government and no-one has suggested that they were responsible in law for its acts. Likewise British troops in Belize.

Throughout the post-war existence of the Soviet Union, Soviet troops were stationed in large numbers in Poland, Hungary, Czechoslovakia and East Germany and “obviously” exercised control over those countries. They were nevertheless regarded by the international community as independent, and each had a seat at the United Nations. Even Ukraine and Byelorussia had seats at the UN.

The effect of the court's judgement is that if Turkey is to be held responsible in law she would have to take control of the democratic government which the Turkish Cypriots have elected, and interfere in questions of land ownership and other matters of day to day government in Northern Cyprus. Turkey acted in 1974 to guarantee the rights and freedoms of the Turkish Cypriots, not to abrogate them, and Turkish soldiers died in 1974 to protect the Turkish Cypriots from aggression, not to rule them.

In *Loizidou* Judge Gölcüklü made the following point:

- 1. Not only does northern Cyprus not come under Turkey's jurisdiction, but there is a (politically and socially) sovereign authority there which is independent and democratic. It is of little consequence whether that authority is legally recognised by the international community. When applying the Convention the actual factual circumstances are the decisive element. The Commission and the Court have stated more than once that the concept of "jurisdiction" within the meaning of Article 1 of the Convention (art. 1) covers both de facto and de jure jurisdiction. In northern Cyprus there is no "vacuum", whether de jure or de facto, but a politically organised society, whatever name and classification one chooses to give it, with its own legal system and its own State authority. Who today would deny the existence of Taiwan? That is why the Commission in its report in the Chrysostomos and Papachrysostomou cases examined the law in force in northern Cyprus as such, and not Turkish law in order to determine whether the applicants' detention had been lawful (see paragraphs 148, 149 and 174 of the report).*

The Court also considered Turkey responsible for Northern Cyprus because there was in their view no other High Contracting Party who could be called to account, notwithstanding that they recognise the Greek Cypriot Administration as the Government of all Cyprus. This is not a reason for holding Turkey responsible.

The Convention applies only to those states which have been admitted to the Council of Europe, and insofar as there is no High Contracting Party responsible in the North it is because the Council of Europe has made a political decision not to accept the Turkish Republic of Northern Cyprus.

## EXCLUSION OF GREEK CYPRIOTS FROM THE NORTH

In both cases Turkey was held responsible in law for the exclusion of Greek Cypriots from the North and the consequent denial of their freedom of movement and access to land in the north which they claim to own [*Cyprus v Turkey* Findings paras; III (1), (4) (5) IV (9), (12)].

However, the basis of all UN efforts to find a Cyprus settlement has been the principle of bi-zonality, agreed between the Turkish Cypriots and the Greek Cypriots as long ago as 1977. Geographical separation necessarily involves restricting movements between the two zones, and the extent of those restrictions is one of the key points of the negotiations. Moreover, Turkey has not signed Protocol no. 4 of the Convention which provides for free movement and residence.

In *Loizidou* the Vice-President of the Court, Judge Bernhardt (Germany), and Judge Lopes Rocha (Portugal), said “*it is impossible to separate the individual victim from a complex historical development and a no less complex current situation..... The case of Mrs. Loizidou is not the consequence of an individual act of Turkish troops directed against her property or her freedom of movement, but the consequence of the establishment of the border line in 1974 and its closure up to the present day.*”

Judge Pettiti said: “*The decision to station international forces on the line...made the free movement of persons between the two zones impossible, and responsibility for that does not rest with the Turkish Government alone.*”

If the Court had examined the facts of the period 1960 - 1974 they would have come to a different conclusion as to the responsibility for the

existence of the border between north and south, the legal and moral right of the Turkish Cypriots to establish their own state, to appropriate Greek Cypriot property for the resettlement of refugees, and to deny Greek Cypriots access to the North. All this was ignored by the majority of the judges in both cases, for whom everything which happened before 1974 appears to be irrelevant.

Further, the court in both cases ignored the fact that the buffer zone between south and north is controlled by United Nations troops, not by Turkey or the Turkish Cypriots, and that by entering illegally into that zone in 1989, in an attempt to break through to Kyrenia, the applicant Mrs. Loizidou, was defying the United Nations, as would any other Greek Cypriot who tried to do so. Mrs. Loizidou's incursion was not an isolated case, and to this day the Greek Cypriot leadership, despite assurances to the UN, has from time to time failed to take effective action to prevent violations of the buffer zone.

In *Loizidou* Judge Pettiti continued *"The movement of displaced persons from one zone to another- an exodus which affected both communities- was the consequence of international events for which responsibility cannot be ascribed on the facts of the Loizidou case but has to be sought in the sphere of international relations."* He continued *"the whole problem of the two communities - which are not national minorities as that term is understood in international law - has more to do with politics and diplomacy than with European judicial scrutiny."*

Judge Jambrek in *Loizidou* said: *"Given that efforts are under way to arrive at a peaceful settlement of the Cyprus problem within the UN the CE and other international bodies, a judgement of the European Court [of Human Rights] may seem prejudicial .....The political nature of the present case is related to the place of the courts in general, and of the Strasbourg mechanism in particular in the division and separation of powers.....Courts are adjudicating in individual cases according to prescribed legal standards. They are ill-equipped to deal with large scale and complex issues which as a rule call for normative action and legal reform..... An international tribunal should proceed in a restrained way in matters which clearly transcend an individual case, especially when they are part of a given structure of inter-community relationships."*

Judges Pettiti and Jambrek are right. Courts are bound to decide cases only upon the evidence that the parties to the case see fit to place before them. They are in no position to consider the wider issues and to make far-reaching political decisions.

Moreover, in *Loizidou* Judge Gölcüklü made the point that:

*Turkey has recognised the Court's jurisdiction only in respect of events subsequent to 22 January 1990. That restriction excludes all judicial consideration of events prior to that date, even if they were incompatible with the respondent State's obligations under the Convention.*

*The Convention institutions have accepted the notion of "continuing violations", that is violations which began before the critical date and continued afterwards. However, where this concept is invoked it is vital to define its scope and its limits. In the case of imprisonment or the illegal occupation of land before and after the date concerned there is no doubt that a continuing violation exists and that the period subsequent to the critical date falls within the Court's jurisdiction. Like Judge Bernhardt, however, I consider that the position is different in the present case, where a certain historical event has led to "a situation such as the closing of a border with automatic consequences in a great number of cases". If it were otherwise, the Strasbourg institutions could be confronted with the difficult task of reconsidering historical events many years after their occurrence and applying Convention standards retrospectively.*

*In the Loizidou case it is the existence of a buffer-zone, a kind of border guarded by UN forces in collaboration with the security forces of both communities, in accordance with the agreements they have concluded, which is preventing the Greek Cypriots of southern Cyprus from obtaining access to their properties in the north and from living there. Its establishment, which took place before 1990, that is before Turkey recognised the Court's jurisdiction, was an instantaneous act which froze a de facto situation of a political nature. That being the case, we are not confronted with a "continuing situation" as the majority of the Court considered. In this case, therefore, there is no question of a*

*continuing violation nor of any infringement of the applicant's right of property.*

*That is also the view taken by the Commission, which noted: "the applicant, who was arrested after having crossed the buffer-zone in Cyprus in the course of a demonstration, claims the right freely to move on the island of Cyprus, irrespective of the buffer-zone and its control, and bases this claim on the statement that she owns property in the north of Cyprus". The report continues: "The Commission acknowledges that limitations of the freedom of movement -whether resulting from a person's deprivation of liberty or from the status of a particular area may indirectly affect other matters, such as access to property.*

*But this does not mean that a deprivation of liberty, or restriction of access to a certain area, interferes directly with the right protected by Article 1 of Protocol No. 1 (P1-1). In other words, the right to the peaceful enjoyment of one's possessions does not include, as a corollary, the right to freedom of movement." The Commission accordingly concluded that there had been no violation of Article 1 of Protocol No. 1 to the Convention (P1-1) (see the Commission's report on the application of Loizidou v. Turkey, paras. 97, 98 and 101).*

## SECURITY OF THE NORTH AND PREVENTION OF DISORDER

Article 8 of the Convention reads as follows:

- (1) Everyone has the right to respect for his private and family life, his home and his correspondence.*
- (2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is **necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.***

In deciding that the exclusion of Greek Cypriots from the north and restrictions placed upon them there violated their rights under Article 8(1), The court brushed aside Article 8(2) (*Cyprus v Turkey* judgement para. 169). If the Court had examined the facts of the 1963-74 period they could have been in no doubt that the exclusion of Greek Cypriots from the north, and the restrictions placed upon those who continued to live there, was necessary in the democratic society of Northern Cyprus in the interests of national security, public safety and the economic well-being of the country. They would also have concluded that it was necessary for the prevention of disorder and crime, and for the protection of the rights and freedoms of the Turkish Cypriots.

If Greek Cypriots were allowed free access to the north, and were allowed to reassert control over their former properties it would be impossible to prevent disorder and violence between them and Turkish Cypriots who remember only too well the massacres and persecution which took place before 1974. It would be impossible to prevent Greek Cypriots planting bombs and gathering sensitive information to the detriment of national security and public safety. It would not be reasonable to conclude that there is no longer any threat from the south in view of their massive arms build-up and the fact that racial hatred against Turkish people is still incited in Greek Cypriot schools, churches, and military camps.

Further, it would be impossible to provide housing for the thousands of Turkish Cypriots who were dispossessed of their homes in and before 1974.

Moreover, to allow Greek Cypriots free access to the north would be to empty the concept of bi-zonality, approved by the United Nations, of all content.

In *Cyprus v Turkey* Judge Fuad put the absurdity of the Court's position as follows:

*10. The nettle must be grasped. The Court's majority judgement must mean that unless every Cypriot who wishes to recover possession of his or her property is allowed to do so, crossing the UN-controlled buffer-zone as may be necessary, immediately and*

*before a solution to the Cyprus problem has been found, there will be a violation of Convention rights in respect of the person whose wish is denied. As matters stand today (and sadly, have stood for over a quarter of a century) could anyone, armed with his title deed, go up to a unit of the UN peace-keeping force and demand the right to cross the buffer-zone to resume possession of his or her property? Who would police the operation? What might be the attitude of any present occupier of the property in question? Would not serious breaches of the peace inevitably occur? Who would enforce any eviction which was necessary to allow the registered owner to retake possession?*

*11. If considerations of this kind are relevant (and I do not see how they can be brushed aside) then, it seems to me, it must be acknowledged that in present-day Cyprus it is simply not realistic to allow every dispossessed property owner to demand the immediate right to resume possession of his or her property wherever it lies. In my opinion, these problems are not overcome by giving such persons the solace of an award of compensation and/or damages because their property rights cannot, for practical reasons, be restored to them. The full impact of the majority decision must be confronted: it goes far beyond matters of compensation and condemnation.*

The Turkish government has refused to pay the compensation awarded to Mrs. Loizidou. In their view it would be grossly unfair for Greek Cypriots to be compensated save as part of an overall property settlement with the Turkish Cypriots. The Turkish Cypriots are of course at a disadvantage because the Court would not accept that their government has locus standi. Moreover, Turkish Cypriots have no wish to return to their homes in the South in view of the treatment they received from the Greek Cypriots, and to which Turkish Cypriots in the South are still subjected (See *Eğmez v Cyprus* and *Denizci & others v Cyprus* below)

## EFFECT OF TRNC LAWS

Whilst accepting that judicial remedies in TRNC Courts are domestic remedies for the purposes of the Convention, the Court in both cases refused to accept that Article 159 of the TRNC Constitution provided a

legal basis for the dispositions which the TRNC government has made of former Greek Cypriot properties. The Court did so simply on the basis of the international non-recognition of the TRNC.

Whether the TRNC was legal or recognised or not the court in both cases accepted the validity of measures adopted by the TRNC authorities in the fields of civil law, private law, and the registration of births, marriages, and deaths, without specifying any reasons for distinguishing between these branches of law and the law concerning the ownership and use of property.

Judge Jambrek in *Loizidou* said “*It would be going too far to say that no purportedly legal acts of the TRNC are valid - for example a marriage conducted by a TRNC official would have legal effect outside that jurisdiction. Similarly a transfer of property between private individuals and registered by a TRNC official would have legal effect elsewhere in the world.*”

In *Loizidou* the ECHR was referred to the case of *Hesperides Hotels v Aegean Turkish Holidays & Müftüzade* [1978] QB 205, decided in the English Court of Appeal, in which Lord Denning said: “*There is an effective administration in Northern Cyprus which has made laws governing the day to day lives of the people. According to these laws the people who have occupied these hotels in Kyrenia are not trespassers. They are not occupying them unlawfully.*” The ECHR in both cases simply brushed this case aside without reasons.

Judge Pettiti in *Loizidou* commented “*The need [for refugee housing] seems obvious, and if events had made the rehousing operation inevitable, that could justify the interference. The facts of the matter had to be looked into.*” They were not.

The Court in *Loizidou* took the view that expropriation without compensation is not acceptable. If they had examined the matter they would have found that the Turkish Cypriots have always maintained that proper compensation should be paid to all Greek Cypriots and Turkish Cypriots who lost their property, as part of an overall settlement between the two communities. If the Greek Cypriot government had wished to compensate their own people in advance they have had tens of millions

of dollars in overseas aid with which they could have done so. They choose however to keep the property issue alive for political reasons and to spend their money on armaments, and on legal cases such as these.

## MISSING PERSONS

Whilst the Court did not find that, during the period under investigation, any missing persons were detained by Turkey or killed, they held Turkey liable under Articles 2, 3 and 5 for failing to conduct an effective investigation into the whereabouts and fate of those Greek Cypriots who disappeared in 1974.

As noted above, prisoners of War taken by the Turkish Army were sent to Turkey, where they were visited by the Red Cross, and repatriated under international supervision. As further noted above, on 17th April 1991 US Ambassador Ledsky told the US Senate Foreign Relations Committee: *“The US Ambassador to Turkey has looked into all of these allegations and found there was no substance. The Turkish Government was co-operative and the Turkish and US Governments worked together on this. The subject has been exhausted and we haven't even heard an allegation in two years.”*

All this was ignored by the Court.

Further, the Court did not regard the extensive investigations conducted by the Committee on Missing Persons as relevant. The Committee on Missing Persons (see above) was established in July 1981, and the Turkish Cypriot and Turkish authorities have given it their full co-operation.

Judge Fuad in *Cyprus v Turkey* drew attention to the importance of the Committee as follows:

*19. A great deal of material was before the Commission and the Court about the formation, responsibilities and work of the CMP. A full summary of all this is in the Commission's report. The UN General Assembly called for the establishment of an investigatory body to resolve the cases of missing persons from both communities. The General Assembly requested the Secretary-General to support the*

*establishment of such a body with the participation of the International Committee of the Red Cross (“ICRC”) “which would be in a position to function impartially, effectively and speedily so as to resolve the problem without undue delay”.*

20. *Eventually it was decided that the CMP should comprise three members: representatives from the Greek and the Turkish [Cypriot] side and a representative of the Secretary-General nominated by the ICRC. What seems clear is that the United Nations, for obvious reasons, envisaged a body that would perform its sad and difficult task objectively and without bias. The UN’s call was met by the composition of the CMP. Very wisely, if I may say so, the ICRC was to be involved so that its resources and wide experience in the often heartbreaking task involved could be called upon.*
21. *Once the CMP was set up, I have seen nothing to suggest that the Secretary-General, the ICRC or any other organisation such as the UN Working Group on Enforced and Involuntary Disappearances (Geneva) contemplated that a unilateral investigation by Turkey, the State against which the most serious allegations about the treatment and fate of the missing persons continue to be made, would satisfy anyone. And, of course, the advantage of the CMP was that it would investigate the disappearances of Turkish-Cypriot missing persons too, as the UN clearly had in mind.*
22. *I have seen no evidence that Turkey has refused to cooperate with the CMP or obstructed its work. If the Terms of Reference, the Rules or the Guidelines that govern the way that the CMP operates are unsatisfactory these can be amended with good will and the help of the Secretary-General. I am not able to agree with my colleagues that the CMP procedures are not of themselves sufficient to meet the standard of an effective investigation required by Article 2. As the applicable Rules and Guidelines, read with the Terms of Reference, have developed, provided both sides give their ungrudging co-operation to the CMP, an effective investigating team has been created. That the CMP was the appropriate body to make the necessary investigations was*

*acknowledged by the UN Working Group on Enforced and Involuntary Disappearances.*

Moreover, whether Turkey was itself obliged to conduct an investigation or not, this is not a matter for which Turkey could be adjudged liable. Judge Fuad noted that:

23. *Apart from the reliance by Turkey on the establishment and responsibilities of the CMP which I consider was justified, in my respectful opinion the majority of the Court has not given effect to the relevant part of the declaration by which Turkey submitted to the compulsory jurisdiction of the Court. Jurisdiction was accepted in relation to “matters raised in respect of facts which have occurred subsequent to [22 July 1990]”.*
24. *The concept of continuing violations is well established and readily understood. In a simple case, for example, where a person has been arrested and detained illegally, it does not matter that his original detention took place before the respondent was subject to the Convention (or even before the Convention prohibiting the violation came into force). The Court will have jurisdiction to examine and adjudicate on the legality of his detention provided he is still under detention at the material time.*
25. *Here the position is not simple. The events which the majority of the Court held to have given rise to an obligation to conduct effective investigations occurred in July and August 1974. This was some fifteen years before the operative date of Turkey’s declaration. Neither the Commission nor the Court found sufficient evidence to hold that the missing persons were still in the custody of the Turkish authorities at the relevant time. In my opinion, **it cannot be right to treat the Convention obligation which arises in certain circumstances to conduct a prompt and effective investigation as having persisted for fifteen years after the events which required investigation** so that, when Turkey did become bound by the Convention, her alleged failure to date to conduct appropriate investigations can be regarded as a violation of the Convention. In my view, the concept of continuing violations cannot be prayed in aid to reach such a result. It seems to me that such an approach*

*would be to apply an obligation imposed by the Convention retrospectively and to divest the time limitation in the declaration of its effect.*

26. *I was not satisfied that the respondent State has been shown to be guilty of any Convention violation in relation to the missing persons or their relatives.*

Both of these cases are empty victories for the Greek Cypriots and their lawyers, which will do more harm than good for the Greek Cypriot people. Their leaders have yet to understand that unilateral legal actions, whilst useful for propaganda, are no substitute for a political settlement, and do not improve the prospects for one.

## **TURKISH CYPRIOTS AND THE ECHR**

Some of the Turkish Cypriots who have been ill-treated in the South have brought cases to the European Court of Human Rights, which has found the Greek Cypriot Administration to have violated their human rights.

The Greek newspaper *Ergenidiki Demokratia* reported in August 1991 “*The police pressure and terror on Turkish Cypriots in south Cyprus constitutes only one side of the coin; the other is their living conditions. Their lives are essentially miserable. They live in old houses which generally lack electricity and water supplies, and they are often employed in manual jobs even though some are graduates.*”

The Parliamentary Assembly of the Council of Europe reported on 2nd February 1994 “*There were credible reports during April that Greek Cypriot police rounded up 22 Turkish Cypriots on three separate occasions, beat them up and then “deported” them to the Turkish-Cypriot controlled area.*”

On 2nd June 1994 two Turkish Cypriots, Ertugral Akburç and Ilker Tufansoy, were shot dead in front of their homes at Stavrokonno in the South.

On 5th March 1995 *Fileleftheros* reported “*The Turkish quarter of Limassol (in Southern Cyprus) is a ghetto, and the people living there are third class citizens. The people there are fed up with the difficulties of life. Is this a district of co-existence or death?*”

According to the US State Department report of 5th March 1996 “*In November it was revealed that police in Limassol had until 1992 used torture chambers to force confessions from detainees....Police hung at least 11 victims by their feet and applied electric shocks to their genitals.*”

On 30th December 1996 *Alithia* reported *that unemployment, poverty, racism, and the coercion they are being subjected to by the (Greek Cypriot) police are the reasons which are forcing Turkish Cypriots to emigrate.*

By way of excuse, the Greek Cypriot side often alleges similar treatment of the small number of Greek Cypriots who live in the North, especially on the Karpas Peninsula. Those Greek Cypriots are restricted for security reasons, but they are not subjected to brutal racist attacks.

#### **Egmez v Cyprus** (*Application no. 30873/96*)

Erkan Egmez, the Turkish Cypriot farmer who, as noted under “Recent Border Incidents” above was abducted into the South and savagely beaten there by the Greek Cypriot police, took his case to the European Court of Human Rights.

On 21<sup>st</sup> December 2000 the Court found the Greek Cypriot government in violation of Article 3 by reason of the inhuman treatment he had received and of Article 13 of the Convention by reason of their failure to prosecute the police officers concerned. The Court awarded him compensation and costs.

#### **Denizci and others v. Cyprus** (*Applications nos. 25316-25321/94 and 27207/95*)

In these cases nine Turkish Cypriots alleged further examples of serious Greek Cypriot police brutality in the South. The Court found in their favour on 23rd May 2001 as follows:

425 *“the Court recalls that it has found that the applicants were subjected to inhuman treatment during their unlawful and arbitrary arrest and detention. In addition to violations of Articles 3 and 5 in that respect, it has also concluded that the applicants’ freedom of movement was infringed, contrary to Article 2 of Protocol No. 4.*

Again, the Court noted the refusal of the Greek Cypriot Administration to prosecute the police officers responsible, and concluded that the Turkish Cypriot applicants had therefore no domestic legal remedies in the South which they could be required to exhaust before applying to the ECHR.

## **XII UNILATERAL APPLICATION FOR MEMBERSHIP OF THE EUROPEAN UNION**

*“If there is going to be an application to [the EC] this must be a joint application of both communities.”* (Ambassador Nelson Ledsky, US Special Co-ordinator for Cyprus - Cyprus Times 8th June 1990).

Nevertheless, on 4th July 1990 the Greek Cypriot Administration led by Vassiliou applied for membership, and purported to do so on behalf of Cyprus as a whole. They had no legal or moral right to take this action. Under the 1960 International Agreements, sovereignty was vested jointly in the Turkish Cypriots and Greek Cypriots, and such a fundamental step could not therefore be taken without the authority of the elected leaders of *both* the Turkish Cypriot and Greek Cypriot co-founders of the Republic. The Turkish Cypriots, having been excluded from the government by force in 1963, were not even consulted.

*“It appears to be paradoxical that, not only by its name, the impression of the Applicant being the legitimate successor of the formerly undivided Republic of Cyprus is given, whereas it has neither the*

*de facto* nor, in my view the *de jure*, authority necessary for implementing EU law in Cyprus as a whole.”<sup>87</sup>

Why in any event would the Greek Cypriots do such a thing if they were genuinely concerned to effect a reconciliation with the Turkish Cypriots?

The UN Secretary General has made it clear that the relationship between the Greek and Turkish Cypriots is not one of majority and minority, but of political equals. Even Mr. Vassiliou himself accepted at the Council of Europe, on 30th January 1990, in answer to a question from Sir Keith Speed MP, that the Turkish Cypriot and Greek Cypriot communities are political equals, but he ignored that fact in making the EC application.

The Secretary-General has also said (S/24472) that an overall settlement between the two peoples of Cyprus will provide that *"matters related to the membership of the federal republic [of Cyprus] in the European [Union] ... will be submitted for the approval of the two communities in separate referendums."* No such referendum has of course been held.

The House of Commons Select Committee on Foreign Affairs recommended in 1987 that *"The member governments of the European [Union] should make unequivocally clear to the Government of the Republic of Cyprus that no further moves will be made towards the establishment of a customs union between Cyprus and the EC until obstacles to inter-community trade in Cyprus are lifted and the present measures to impose an embargo on third party trade and communications with northern Cyprus are removed."*

Cyprus membership of the European Union would be illegal, since it would violate Article 1 of the 1960 Treaty of Guarantee, by virtue of which the Republic of Cyprus bound itself *"not to participate, in whole or in part, in any political or economic union with any State whatsoever."* It is sometimes argued that the EU is not a state, but when an applicant joins the EU it does not enter into a union with the EU itself, but with each of the member states which constitute the European Union.

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<sup>87</sup> Pernthaler, op. cit.

Clearly if Cyprus were to join the EU she would be participating in both a political and an economic union not only with one State, but with each of the fifteen member states. It is also argued that the purpose of this article was solely to prevent union with Greece or Turkey. The article is not drawn as narrowly as that, and in fact refers to *any State whatsoever*, but even if it were, Greece is one of those fifteen states.

It is argued that since members of the EU retain their sovereignty, membership of the EU does not constitute participation in a union within the meaning of the Treaty. This is not however a sustainable argument because the Treaty prohibits union in whole *or in part*. The treaty also prohibits political *or economic* union, and cannot therefore be taken to apply only to total political unions.

Further, in the preparatory discussions for the 1960 Agreements, (UK Foreign Office doc. RGC 1073/28) on 12th February 1959 the British Foreign Secretary actually raised the question whether Article 1 was intended to preclude Cypriot membership of international associations. He was told by the Turkish and Greek Foreign Ministers that the paragraph was intended to prohibit ENOSIS either with Greece *or any other country*, but there would be no objection to Cypriot membership of international associations *of which both Greece and Turkey were members*, nor to membership of the Commonwealth or Sterling Area.

By Article 2 of the 1960 Treaty of Guarantee, the United Kingdom and Greece bound themselves *"to prohibit, so far as concerns them, any activity aimed at promoting, directly or indirectly ... union of the Republic of Cyprus with any other State...."* They are therefore bound by the 1960 Treaty to exercise their veto power as members of the European Council to prohibit the accession of Cyprus until such time as all parties to that Treaty give their consent. Similarly, the other member States of the EU, and the Institutions of the EU, whilst not themselves parties to the 1960 Treaty would be condoning breaches of international law by Cyprus, Greece, and the United Kingdom if they agreed to the accession of Cyprus.

If Britain were officially to make the argument that Article 1 prohibits union with one state but not with fifteen, it would be seen in the world as

a country which will not comply with the clear words of its legal obligations, and will instead resort to legal sophistry to avoid them. Instead they say “we do not interpret the treaty in the same way as Turkey” which is much the same thing.

In the context of Cyprus, Britain’s attitude undermines respect for treaties, and its own efforts and those of the UN to promote an agreed settlement. How could Britain expect the Turkish Cypriots to rely on international assurances, even in a treaty, if they are going to be told later that the words do not really mean what they say? The Turkish Cypriots already have good reason to doubt Britain’s commitment to international agreements in view of Britain’s successive failures to guarantee their basic rights.

The Cyprus Treaty of Guarantee is sometimes compared with the Austrian State Treaty which it is said should have prohibited Austrian membership of the EU. There are many differences between the two treaties, but whether the Austrian Treaty did or did not prohibit EU membership the overriding factor is that Austria joined the EU with the agreement of all parties to their treaty, who thereby waived any potential breach. No such agreement has yet been reached in the case of Cyprus.

Further, as Turkey is not yet a member of the EU, the accession of Cyprus would put Cyprus in breach of the 1960 Treaty of Establishment<sup>88</sup> which requires it to give Most Favoured Nation Treatment<sup>89</sup> to Turkey as well as to Greece Turkey’s Association Agreement with the EU is not sufficient to meet this legal objection since it does not put Turkey in the same economic position as if it were a member state.

In answer to a parliamentary question from Lord Monson on 30th July 1997 the British Government affirmed that it considers both the Treaty of Guarantee and the Treaty of Establishment to be in force. This was reaffirmed in a parliamentary answer to Lord Kilclooney of Armagh on 7<sup>th</sup> November 2001 in which the British Government further declared

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<sup>88</sup> Cmnd.1093

<sup>89</sup> Annex F Part II

that the Treaty of Guarantee would not be affected if Cyprus were to join the EU.

Article 8 of the Zurich and London international agreements on the basic structure of the Republic of Cyprus provides that “*the [Greek Cypriot] President and the [Turkish Cypriot] Vice-President separately and conjointly shall have the right of final veto on any law or decision concerning foreign affairs.*” The Greek Cypriot decision to apply for membership of the EU without the concurrence of the Turkish Cypriots is therefore a further breach of international agreements.

On 15th August 1996 *The Daily Telegraph* wrote: *The EU tends to be sympathetic to the Greek position, and has allowed Greek Cyprus to apply for membership on behalf of the whole island (a flagrant breach of the Cyprus constitution, which prohibits political or economic union with any other country).....The current unrest is aggravated by the Greek Cypriot application to the EU which, on the proposed terms, would amount to ENOSIS under any other name. Britain should insist that an internal settlement is in place before that application is allowed to proceed.*”

The continuation of the application is also a breach by the Greek Cypriots of Security Council Resolution 649 (1990) which called upon both sides to refrain from any action that could aggravate the situation, and by accepting the application the European Institutions have acted contrary to the spirit of that resolution.

Continuance of the application is also in contravention of Security Council Resolution 1251 (1999), para. 11 of which forbids “*union in whole or in part with any other country.*”

In its Opinion (Com (93) 313) on the Greek Cypriot application, the European Commission ignored Articles 1 and 2 of the 1960 Treaty of Guarantee, Annex F of the 1960 Treaty of Establishment, and the rights of the Turkish Cypriots under the 1959 Zurich & London Agreements and the Constitution of Cyprus.

Any amendment to or waiver of these treaty obligations would require the consent of the Turkish Cypriots, and of the three Guarantor powers, Britain, Turkey, and Greece.

Membership of a political and economic system such as the EU is in any event completely impractical without the concurrence of both peoples of Cyprus, and the application should never have been made. The reality is that there have been two fully functioning democratic governments in Cyprus since the 1960 Constitution broke down in 1963, each exercising jurisdiction in its own part of the island to the exclusion of the other. In these circumstances it would be impossible for Cyprus to implement its commitments under the EU Treaties.

The Turkish Cypriots would welcome membership of the European Union as part of an overall Cyprus settlement within which it would be possible for EU membership to be effectual, subject nevertheless to derogations in respect of freedom of movement and settlement. However, if the Greek Cypriot application were to be accepted without the agreement of the Turkish Cypriots, they would feel that they had no alternative but to integrate with Turkey.

The Greek Cypriots often compare the Cyprus situation with the situation in Germany at the time the Federal Republic became a founder-member of the European Communities. The analogy is false, since the government of the Federal Republic did not claim to be the government of all Germany and did not seek to bind the Government and people of East Germany without their consent.

On 6th June 1995 US Ambassador Ledsky said *“the question of membership inside Europe for Cyprus is a divisive issue rather than a unifying one. In the past it has been a source of misunderstanding between the two communities, not a source of understanding”* (Turkish Daily News 6.6.95). The application should proceed no further until such time as the two peoples of Cyprus are in a position to make a joint request that it be further considered.

British Foreign Secretary, Malcolm Rifkind, said *“without a unified Cyprus, the problems of accession to the European Union will be*

*extremely difficult, and very difficult to realise.”* (Cyprus Mail 29.11.96).

The European Union must be careful not to give any encouragement to the reckless strategy which Greek Cypriot President Clerides revealed to "Fileleftheros" on 14th August 1993. He said: *"even if Turkey has the right of unilateral military intervention in Cyprus, such a right would not be exercised against a state which is an EU member. The reason for this is that EU countries are tied to one another not only through economic agreements but also military agreements, and they consider a military intervention against a member state as an attack made upon themselves."*

On 25th April 1994 he told PIK TV *"If it becomes certain that the accession of Cyprus into the Union will be achieved... then Turkey's intervention in an EU member-country becomes unthinkable."*

The Greek Cypriots must not be allowed to delude themselves into thinking that the European Union would act as a shield for them if they were to provoke further violence in Cyprus or pick another fight with Turkey.

At a press conference in New York on 29 January 1999, Germany's Permanent UN Representative, Dietrich Kastrup, pointed out that *"unless there is a political solution to the Cyprus problem it is very difficult to imagine South Cyprus becoming a full member of the EU."*

On 6th October 2000 the Turkish Government issued the following statement:

*"On 4 October 2000, the General Assembly of the European Parliament adopted the motion for a resolution on the Cyprus issue reflecting the Greek Cypriot viewpoint based on the report prepared by the former Foreign Minister of Luxembourg and current 'Cyprus' Rapporteur of the Foreign Affairs Committee of the European Parliament, Mr Jacques Poos, which entails false charges against the Turkish Republic of Northern Cyprus and Turkey."*

*The stance taken in the resolution of the European Parliament to the effect that the Greek Cypriot administration can become a full member of the European Union in the absence of a comprehensive settlement, constitutes the last link in the EU's chain of errors which began with the acceptance, in 1990, of the Greek Cypriot administration's unilateral and illegal application for EU membership, and continued with the Luxembourg Decision of 1997 to start 'accession negotiations' with the Greek Cypriot side. Contrary to the claim made in the report that objection to the Greek Cypriot administration's accession to the EU on account of the particular circumstances on the island would be both politically and morally untenable, it is in fact the Greek Cypriot administration's attempt, as the purported 'legitimate government', to enter into accession negotiations with the EU in the name of the whole of Cyprus, that contradicts political, legal and moral norms.*

*The European Parliament's call upon the EU to assume a more active role in the Cyprus question is in complete ignorance of and detrimental to the process of proximity talks being conducted under the UN Secretary General's mission of good offices. With this stance, the European Parliament has proved that it is far from assuming an impartial and constructive posture in the Cyprus question.*

*Although it is a fact known to everyone that Turkey's effective guarantee is of vital importance for the existence of the TRNC, in his report, Mr Poos has backed the Greek - Greek Cypriot duo, who have been trying to abrogate the Treaty of Guarantee since the establishment of the 1960 Partnership Republic with the sole aim of annihilating the Turkish Cypriot people and, thereby, annexing the island to Greece. Furthermore, Poos has gone as far as questioning the military presence of Turkey, which is a Guarantor power, and calling for the deployment of an international force.*

*While the intransigent posture of the Greek Cypriot side, which has been totally spoiled by the green light given by the European Union for its unilateral membership and while the constructive proposals made hitherto by the TRNC are evident, this latest unfortunate decision accusing the Turkish side of lack of goodwill, shows how one-sided this decision is. The recent statement of the leader of the Greek Cypriot administration, Mr Clerides, at the second round of proximity talks held in Geneva, rejecting the establishment of a 'new partnership' on account*

*of their objective of upholding the so-called 'Republic of Cyprus', and his latest reaction to the statement of the UN Secretary General, Kofi Annan, at the fourth round of proximity talks in New York, show the true posture and intentions of the Greek Cypriot side.*

*It is also unfortunate that this report, which ignores the political and legal realities on the island, comes out at a time when the process of proximity talks is continuing. In this context, our expectation is that the EU executive organs and the EU Council of Ministers take a more realistic and responsible stance and prevent this motion from gaining an official status so that the EU will escape the responsibility for an inconclusiveness of the proximity talks process.*

*The European Parliament, with its recent decision which is devoid of any balance or impartiality has, more than anything else, damaged its own functions. We want to believe that this unfortunate decision will not be honoured by the more responsible executive organs of the EU. We expect this from them. Otherwise the EU will go into history as the organisation which has contributed to the permanent division of the island of Cyprus. We believe that the governments of the EU member countries will not accept such a result. We are also expecting all those parties which are undertaking serious efforts in goodwill with a view to furthering the current process of the UN sponsored proximity talks, to remind the European Parliament of its human and political responsibilities in this matter.”*

Mr. Poos produced another completely one-sided Motion for Resolution on 6<sup>th</sup> June 2001. The British Government commented (FCO e-mail 25.06.01) that “*the resolution should be more balanced.*”

### **XIII GREEK CYPRIOT MILITARY BUILD-UP**

In the House of Commons on 30th November 1990, the Minister of State for Foreign & Commonwealth Affairs said that the Greek Cypriots were “*pursuing a substantial arms-purchasing programme for the Greek Cypriot National Guard. We have made clear our view*”, he continued, “*that such measures do nothing to help create the right climate for resuming the intercommunal talks*” This criticism was ignored, and was repeated on 19th April 1991.

Speaking in the US House of Representatives on 17th November 1989 Congressman Burton (Indiana) said "*There is no rational reason why the Greek Cypriots have taken this action (ie their military build-up). At a time when peace seems to be breaking out all over the world and at a sensitive period in the Turkish Cypriot and Greek Cypriot negotiations this senseless action can only serve to exacerbate the Cyprus dispute.*"

Security Council Resolution 789 calls upon the Greek Cypriots to reduce their "defence" spending, but they increased it. On 21st March 1996 they signed a Military Technical Cooperation Agreement with Russia to buy T-80U main battle tanks, BMP-3 armoured personnel carriers, and advanced S-300 ground-to-air missiles. They were also buying Chinese Scud intermediate range ballistic missiles. In December 1998 they decided to buy 41 new Russian T-80U tanks at a cost 85 Million Cyprus Pounds. They also established a "Joint Military Doctrine" with Greece and opened a Greek air-force base at Paphos.

On 29 January 1999 Greek Cypriot Finance Minister Christodoulou revealed that the S-300 missiles had cost a staggering 115 million Cyprus Pounds. He added that South Cyprus' total defence expenditure in 1998 amounted to 195 million Cyprus Pounds, while revenue was put at 170 million, leaving a deficit of 25 million. The accumulated deficit in the Greek Cypriot Defence Fund stood at 300 million Cyprus Pounds. The Greek Cypriot Administration's annual military spending is \$US 850 per capita and is equal to the amount per capita spent by the USA on defence.

No Greek Cypriot (apart from those who have violated the UN Buffer Zone) has been killed since 1974. The S-300 missiles were claimed to be defensive but the decision to install them in Cyprus was to prevent Turkey's air defence of the TRNC in the event of an attack on the Turkish Cypriots from the South. The missiles would alter the existing military balance in the region. Turkey made it clear that it would not allow the missiles to be located in Southern Cyprus, and would if necessary impose a naval blockade. After pressure from the US and the EU the Greek Cypriots sent the missiles to Crete.

Even Greece was critical. On 30th January 1999 Greek Foreign Minister Pangalos said South Cyprus was wrong, to buy the S-300s. Greek Prime Minister Simitis said the row over the missiles had hurt Greek Cypriot chances of joining the European Union and had been a distraction from the island's political problems.

The extraordinary arms build-up in the South has no military logic. The Greek Cypriots, even with Greek help, could not hope to prevail over a nation of 65 million people, and any idea they may have of a military solution to their problems is absurd. In 1997 the Massachusetts Institute of Technology sent a team of researchers to assess the military strength in Cyprus, North and South, Greece and Turkey. Their report said Turkey would win any war in Cyprus in about three days, and if Greece joined in, probably six days.

A new political arrangement for Cyprus can only arise from the free will of the Turkish and Greek Cypriots; not from coercion or intimidation. Turkish Cypriots have never capitulated to the threat or use of force, and it is most unlikely that Turkey will ever allow them to be overwhelmed, no matter what diplomatic pressures are brought to bear upon the Turkish Government. Feeling is so strong among the Turkish people and among all political parties in Turkey on this point that no Turkish Government could survive if it sought to abandon the Turkish Cypriots. On 14th Dec 1998 Turkish President Suleyman Demirel said *"for Turkey Cyprus is a national cause. Governments come and go, but the Cyprus issue is the national cause of all the Turkish nation"*.

Perhaps some Greek Cypriot leaders wish to start a fight so that they can call on the world to help them when they begin to lose, but no fair minded member of the international community is likely to be a party to such a strategy. There must never again be any attempt to settle disagreements between Turkish and Greek Cypriots by violence.

On December 13, 1998 the Greek Cypriot newspaper HARAVGI wrote *"There are leaders in our country who have been playing the main roles since the 1950's. They were the main heroes in many events in which the Greek side was defeated and disgraced and now they are insisting on applying the same tactics. They are pretending not to see the realities and they allow slogans to steer our policy. They are taking us to unknown ends and adventures."*

The newspaper continued *“Sloganeering, was an untreatable cancer in our political life and continues to be so. Slogans, in the form of declarations and oaths, hide the real elements of our national cause. Sloganeering creates problems and finally it brings defeat and humiliation. The aim is to create excitement and get support. But getting rid of the commitments undertaken because of this policy is bitter and becomes hard. While we have boosted ourselves nationally, powerful and more influential factors than us, that we always ignore, force us to see the realities.”*

On 7th February 1995 the distinguished Greek Cypriot academic, Sofronis Sofroniou, wrote in the *Cyprus Mail* *“The so-called unitary defence doctrine has become the springboard for chauvinistic attitudes and, what is worse, for a false sense of security and for throwing caution to the wind. .... The internal political scene is allowed to drift to the most uncompromising and surreal stances. We seem to be back to the puerile time of the Greek Colonels, the time of Hellenic Christian fundamentalism.”*

#### **XIV THE COMMONWEALTH**

When Cyprus joined the Commonwealth shortly after independence its Turkish Cypriot people, no less than its Greek Cypriot people, became Commonwealth citizens. However, when the Greek Cypriots usurped authority in 1963 the Turkish Cypriots were effectively frozen out of all the affairs of the Commonwealth. Since then all representatives at Commonwealth meetings have been Greek Cypriots, and the Commonwealth Secretary General (unlike the UN Secretary General) will not even speak to the elected Turkish Cypriot leaders.

The Turkish Cypriots feel justifiably aggrieved by the attitude of the Commonwealth, and the Commonwealth should change its policy forthwith. If the British Foreign Secretary and the UN Secretary-General can meet President Denktaş, then so can the Secretary-General of the Commonwealth.

#### **XV AID**

Greek Cyprus must rank as one of the most subsidised countries in the world. It has for many years received massive infusions of aid from international organisations, and in 1995 the EU agreed to provide up to a further 74 million ECU. In addition it receives bilateral aid from Britain and other countries, and benefits financially from the UN military

presence and the British bases. It has a population of less than a million people, and according to the European Commission (Com (93) 313) it had in 1991 a GDP per inhabitant of about ECU 9,000 per annum, which is higher than in several member states of the Community itself, and is three times greater than the North. They are even richer today.

The Commons Foreign Affairs Select Committee concluded in 1987 that:

*"the disparity between aid provision and need in the two parts of Cyprus is self-evident. By most criteria the southern sector of Cyprus, with a relatively high GNP, is no longer eligible for economic aid at all"* and recommended that: *"The UK Government should review its own aid programme for Cyprus, with a view to ensuring that economic and development aid benefits those who are most in need."* - namely the Turkish Cypriots.

So far as the European Community is concerned, the President of the EC Council declared on 19th October 1987: *"I would recall the constant position of the Community that the advantages provided for by our agreements would apply for the benefit of the whole population of the island of Cyprus."* Whilst lip-service is paid to this principle, most of the international aid goes to the Greek Cypriot "Government of Cyprus" which, in pursuit of its declared policy to ruin the Turkish Cypriot economy, does everything it can to ensure that the Turkish Cypriots benefit as little as possible. In future, all aid for Cyprus should be given for use in the North.

One of the largest aid projects - the Nicosia sewage system - did benefit the Turkish Cypriots, but it is highly doubtful that it would have done so if the physical conditions had enabled the Greek Cypriots to build it without Turkish Cypriot cooperation.

To date, Greek Cyprus has received more than ECU 136 million in grants and EIB loans under three successive financial protocols. A fourth protocol (1996 to 1999) totalling ECU 74 million will largely be devoted to supporting efforts to update productive structures in Southern Cyprus, in preparation for accession.

One consequence of the foreign aid which the Greek Cypriots have received is their ability to buy armaments on a massive scale, as noted above.

Northern Cyprus is the site of many antiquities of world importance, and the Turkish Cypriots accept their responsibility to preserve them. They face enormous difficulties since they receive very little of the international aid given to Cyprus, and their economy is held back by the Greek Cypriot inspired trade embargo. Further, the Greeks and Greek Cypriots have succeeded in dissuading international archaeologists and other experts from working in the North. One British archaeologist who has not been deterred is Viscountess Hanworth. In her view “*failure to help Northern Cyprus would be an offence against posterity.*”

The Turkish Cypriots have however managed to preserve many Christian churches which are no longer needed for religious purposes, including the important monastery of St. Barnabas, and the churches of St. Mamas in Morphou, Archangelos Michael in Kyrenia, Panagia Theotokos in Trikomo, and St. John of Maraş in Varosha. In these churches an important collection of Christian ikons is preserved for scholarship. They are also conserving many important buildings from the Ottoman period, including the *Derviş Paşa* Mansion and the Buyuk Han caravanserai in north Nicosia.

In the South a large number of mosques and other sites of religious importance to the Turkish Cypriots have been destroyed. The Bayraktar Mosque and the Araplars Mosque were attacked in March 1994, and there have been many others, the most recent being the historic Ömeriye mosque destroyed on 12th August 1996, and the Hala Sultan Tekke in the summer of 1999.

Items of religious or artistic importance have been stolen from both Northern and Southern Cyprus, including a whole mural painting which ingenious thieves removed from a small disused church in a rural part of Northern Cyprus. When President Denktaş heard about this he paid out of his own pocket for a set of reinforced doors.

On 20th September 1991 the *Cyprus Mail* wrote that “*The flow of antiquities from (South) Cyprus is turning into a scandal.*” and on 18th September 1996 the same newspaper reported that “*almost 9,000 ancient artefacts were exported legally from (Southern Cyprus) between 1969 and 1991.*”

On 13th January 1999 Dutch antique dealer, Michel Van Rijn, held a press conference in London at which he told how he was recruited by the Greek Cypriot authorities. Van Rijn stated that in 1988 he was first approached in the Hague, and was asked to organise the theft and the smuggling abroad of antiquities from Northern Cyprus. The smuggled items were subsequently “purchased” and returned to the Greek Cypriot Orthodox Church with large scale press coverage.

When it became clear to Van Rijn that the aim of the Greek Cypriot authorities was anti-Turkish propaganda and not the recovery of the antiquities, he held the press conference and presented documents to support his claims.

## **XVII WESTERN INTERESTS**

During the Cold War, competition in the Eastern Mediterranean was mainly between the West and the Soviets. Today competition is growing between the United States and the European Union.

Major powers must of course have regard to their own interests in the Eastern Mediterranean, and in relation to Iraq, Iran, the Caspian and the Middle East. It is however remarkable how far American, and to a lesser degree British, policy is conditioned not by real foreign policy interests but by well financed political influence and lobbying by Greeks, Greek Cypriots, and Greek-Americans in Washington and London. On the Cyprus issue, international policy is driven essentially from those two capitals.

Western policy towards Cyprus is damaging relations with Turkey, as well as with the Turkish Cypriots, and Turkey is tired of Cyprus being used against it, quite unjustifiably, in almost every international forum. It is wrong that the Greeks have made Cyprus an issue in relation to Turkey's application to join the European Union. Turkey complied in 1974 with its legal obligation under the Treaty of Guarantee and is being penalised for doing so. Greece and the Greek Cypriots violated that Treaty in a gross and obvious manner, and Britain ignored and still ignores its own Treaty obligations.

Turkey is a nation of 65 million people with huge economic potential whereas Greece is a country with only 10 million people and relatively little undeveloped potential. The European Commission is of the opinion (Com (93) 313) that Turkey *"is of major strategic, political, and economic importance to the [Union]."*

Turkey is strategically vital to the whole Western world, and Turkish help in the provision of air bases and in closing the oil pipeline from Iraq was crucial to the success of the Gulf War. Turkish help was also vital to the creation of a safe haven for Iraqi Kurds. The losses suffered from closure of the oil pipeline have been enormous, and have done serious economic damage to the Turkish economy; particularly to the economy of its South Eastern region. Turkey is also vital to Western interests in the Turkiç speaking region of the former USSR and in relation to Caspian oil and gas, especially if the Baku-Ceyhan pipeline is built.

Further, whilst democracy is now well established in Turkey, it still needs to be nurtured. It is essential that good relations are maintained.

Turkish Cypriots are conscious of the security interests of NATO in the Eastern Mediterranean, and they understand the importance of the bases in Cyprus, especially the electronic facilities in the Troodos mountains. Turkey is a member of NATO, and the Turkish Cypriots share their commitment to the aims and purposes of that organisation.

British bases and other installations in Cyprus do not make Britain and America as vulnerable to Greek Cypriot political pressure as might be thought, because:

- \* aircraft have a much longer range there is not the same need for runways as existed in the 1960's
- \* the main value to NATO of Cyprus today is for electronic surveillance. It would be costly and inconvenient to relocate the equipment, but it could be relocated in the North, or in Turkey.
- \* the bases provide employment for 3,500 Greek Cypriot workers
- \* the bases contribute more than £60m per year to the Greek Cypriot economy
- \* the military security to which they contribute benefits not only the British but all the people of the region, including Greece and the Greek Cypriots.
- \* Cyprus, whilst useful as an air force training area, is not indispensable.

In July 2001 a Greek Cypriot mob attacked the British base at Akrotiri in Southern Cyprus – drawing attention in Britain to the vulnerability of those bases. The facilities at the bases are used by the Americans as well as the British and they are both anxious to preserve them. It is arguable that neither the British nor the Americans actually want a Cyprus settlement because they can at present threaten to recognise the TRNC if the Greek Cypriots become difficult.

## XVIII RECOGNITION

### Recognition of States

It is said that the whole world, except Turkey, does not recognise the Turkish Cypriot state, as if that were an end to the matter. In fact, knowing little and caring less about Cyprus, most members of the United Nations have taken the lead of Britain and the US, who persuaded the Security Council to pass Resolution 541. This called upon states not to recognise any Cypriot state other than (the by then defunct) “Republic of Cyprus” but it is not a mandatory resolution passed under Chapter VII of the UN Charter. States are not therefore bound by it<sup>90</sup>, and Bangladesh did recognise the Turkish Republic of Northern Cyprus, but when threatened with the withdrawal of US support they withdrew recognition. Pakistan expressed its willingness to recognise, but was similarly threatened. Many countries would recognise if freed from diplomatic pressure by Britain and America.

Article 3 of the 1933 Montevideo Convention on Rights and Duties of States provides that:

*The political existence of the state is independent of recognition by the other states. Even before recognition the state has the right to defend its integrity and independence, to provide for its conservation and prosperity, and consequently to organize itself as it sees fit, to legislate upon its interests, administer its services, and to define the jurisdiction and competence of its courts.*

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<sup>90</sup> “Resolutions 541 and 550 not to recognise the Turkish Republic of Northern Cyprus as a state are merely political advice and not binding. They are also legally self-contradictory because they do not consider the illegal acts that were first performed by the Greek Cypriots and were the main reason for the establishment of a separate Turkish Cypriot state.” Pernthaler op.cit.

*The exercise of these rights has no other limitation than the exercise of the rights of other states according to international law.*

Article 4 provides that:

*States are juridically equal, enjoy the same rights, and have equal capacity in their exercise. The rights of each one do not depend upon the power which it possesses to assure its exercise, but upon the simple fact of its existence as a person under international law*

In September 1999 Turkey and Pakistan decided to take joint action at the U.N. General Assembly. Pakistan's Foreign Ministry said Pakistan would be the first country to recognise the Turkish Republic of Northern Cyprus if "there is such a tendency in the international community" and when "a consensus is reached in the United Nations on the issue."

In July 1999 TRNC Prime Minister Derviş Eroglu attended the Congress of Solidarity, Friendship and Brotherhood Among Turkic States and Communities, at which for the first time Cyprus was discussed. A joint communiqué expressed support for the just cause of the Turkish Cypriot people and called for increased efforts to achieve diplomatic recognition of the Turkish Republic of Northern Cyprus by the five Turkic States and by the international community as a whole.

The communiqué also criticised the decision on Cyprus of the G-8 group of industrialised nations and the United Nations Security Council saying that, these decisions were *supportive of the adventurist policies of the Greek Cypriot Administration, which endanger peace and stability in Cyprus and the whole region. They were an attack on the sovereignty and legitimate rights of the Turkish Republic of Northern Cyprus and on its freedom.*

The Italian Foreign Minister, Lamberto Dini in a joint press conference on September 16 1999, with Turkish Foreign Minister Ismail Cem following the completion of his contacts in Ankara, said that the Turkish Republic of Northern Cyprus must be recognised as a state.

If the people of Slovenia, Croatia, Bangladesh and East Timor can have recognition of their state, why not the Turkish Cypriots?

International law defines a State as a territory with defined boundaries, with a government to which the inhabitants are habitually obedient, and which is free from political control by any other State. (Sir Hersch Lauterpacht - *Recognition in International Law* paras. 10 - 13). There is no doubt that Northern Cyprus has clearly defined boundaries, and it was

decided in the "*Hesperides Hotels*" case noted above, that it has a government which makes laws to which the inhabitants are habitually obedient.

So far as political control is concerned Northern Cyprus is recognised by Turkey as an independent state, and whilst there are close links between the two countries the Turkish Government does not claim any right to interfere in the political affairs of Northern Cyprus. There have in the history of the United Nations been many member states subject to enormous political influence by other states, notably in Eastern Europe, but they were nevertheless recognised at the United Nations as independent states.

It is sometimes argued that economic and military viability are preconditions of statehood. However, if it were not for international discrimination against Northern Cyprus it could easily support its population, and if it were not for Greek and Greek Cypriot aggression they would never have needed Turkish troops. Are the aggressors to be rewarded by denying statehood to their victim? In any event, if economic or military viability were indeed conditions of statehood many member states of the UN would fail to qualify. Some of them have an even smaller population than Northern Cyprus.

It is surprising that these legal arguments should even be made, by Greece which, for most of the period from 1960 to 1974, had itself ignored the treaty by failing to respect the independence of Cyprus, and by not only failing to prohibit activity aimed at promoting union with itself but by actually engaging in it; and by a Greek Cypriot community which from 1963 to 1974 had failed fundamentally to maintain respect for the constitution of the Republic, or the international treaties on which the constitution was based, as evidenced by its appalling treatment of its Turkish Cypriot fellow-citizens and partners.

So far as partition is concerned, the Turkish Cypriots have always made it clear in negotiations and by formal declaration in 1975 and 1983 that they were seeking not partition but a single bi-zonal, bi-communal, federal (now confederal) Republic. It is in fact the Greek Cypriot unilateral application to the EU which is most likely to lead to partition.

Western diplomats say "but if we recognise the Turkish Republic of Northern Cyprus the Turkish Cypriots will be getting the rewards without giving anything in return." But why should they give

ANYTHING for the right to be treated equally - a right which is theirs anyway? It is wrong that the Greek Cypriots were ever treated as the government of all Cyprus, and this has got to be put right now.

Secondly, say the diplomats “if we recognise the TRNC, perhaps the Turkish Cypriots will no longer be interested in making a settlement with the Greek Cypriots” To this the Turkish Cypriots reply - “We will always be interested in making a settlement with them, because Cyprus is a small island. They are our neighbours and we want to live in peace with them.”

Finally, say the diplomats “but if we recognise the Turkish Republic of Northern Cyprus they could annex themselves to Turkey.” Well, why should the Turkish Cypriots not annex themselves to Turkey if that is their choice and the Turkish people agree, especially if the Greek Cypriots are allowed to enter into a union with Greece by joining the EU? In any event, the Turkish Cypriots would be willing in exchange for recognition to bind themselves by Treaty not to annex themselves to Turkey.

### **Recognition of Governments**

On 25<sup>th</sup> April 1980 the Secretary of State for Foreign & Commonwealth Affairs<sup>91</sup> delivered the following statement to the House of Lords: “*We have conducted a re-examination of British policy and practice concerning the recognition of Governments. This has included a comparison with the practice of our partners and allies. On the basis of this review we have decided that we shall no longer accord recognition to Governments. The British Government recognises States in accordance with common international doctrine.*”

On 30<sup>th</sup> July 1980 the Minister of State reiterated<sup>92</sup> that “the British Government recognises States, not Governments” and this was affirmed again on 12<sup>th</sup> November 1987<sup>93</sup>

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<sup>91</sup> Hansard vol. 408 col. 1121. See also Hansard (Commons) vol. 983 WA cols. 277-9 25<sup>th</sup> April 1980

<sup>92</sup> Hansard (Commons) vol. 989 WA col. 723. See also vol. 122 WA col. 240 (12<sup>th</sup> Nov. 1987)

<sup>93</sup> Hansard (Commons) vol. 122 WA col. 240. The Minister of State FCO appears to have been unaware of the new policy when she told the Foreign Affairs Committee of the House of Commons on 4<sup>th</sup> February 1987<sup>93</sup> that “we

Accordingly, if the British Government recognises States not Governments, neither the Greek Cypriot nor the Turkish Cypriot administration is recognised by the United Kingdom as the Government of Cyprus.

Although the 1960 Constitution has been destroyed, Britain is still bound by Article 2 of the Treaty of Guarantee to guarantee *the state of affairs established by the basic articles of* that constitution. Accordingly, acceptance by Britain of the Greek Cypriot administration as the Government of all Cyprus would be a breach of its obligation under Article 2. That state of affairs was one in which the Turkish Cypriots were entitled to participate in all the decision-making processes of government and to exercise veto powers in clearly defined circumstances.

For Britain to deal with officials in whose appointment Turkish Cypriots have been denied their constitutional role, and for Britain to recognise as the acts of a "Government of Cyprus" decisions in which Turkish Cypriots have had no part, is not only a failure to recognise and guarantee, but is actually to assist, the continued violation of the state of affairs established by the basic articles of the constitution. As noted above, the Turkish Cypriots did not withdraw from their official positions - they were thrown out, and when they tried to return were arrogantly met with conditions they could not possibly accept.

As there is no legal basis on which the Greek Cypriots can claim jurisdiction over the whole of Cyprus, there are important practical consequences. For example the "Cyprus Air Transport Licensing Authority" consists entirely of Greek Cypriot officials, in whose appointment the Turkish Cypriots had no say and over whom they were deprived of such authority as would have been their right under the 1960 Constitution. That licensing authority can therefore have no lawful jurisdiction over the whole of Cyprus, and governments of other countries and ICAO are wrong to regard its consent as a condition for air services to Northern Cyprus.

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consider the Cyprus Government as being the Government under President Kyprianou.”

## **XIX CONCLUSION**

The Turkish Cypriot people are justified in feeling aggrieved by the treatment which they have received, not only from the Greeks and Greek Cypriots, but from the world at their behest. Having accepted as long ago as March 1986 proposals which both the Secretary-General and the British Government considered a reasonable basis for settlement, and having continued to talk since 1968 - always being urged to have "just one more try" - they are entitled to expect that their condition of political limbo will soon be at an end.

The British and US Governments say on frequent occasions that they do not accept the obvious reality that the two peoples of Cyprus have had for many years a separate existence, each under their own elected government, because to do so would be "to cement the division of Cyprus". Their present policy is however having precisely that effect. The advantages which the Greek Cypriots enjoy by virtue of their unjustified recognition as the Government of Cyprus" are valuable to them, and they will not relinquish them except at a very high price. That price is too high for any Turkish Cypriot leader to pay without jeopardising the security or economic future of his people.

The Greek Cypriots say that the power and influence which flows from international recognition is the only weapon they have against the Turkish army; the assumption being that they have some legal or moral right to have that weapon. As has been seen, they have no legal right to be treated as the government of all Cyprus, nor having regard to their appalling behaviour do they have any moral right. By contrast, the Turkish army has a legal right to be in Cyprus, and the Turkish Cypriots, by reason of their suffering at the hands of the Greeks and Greek Cypriots, have a moral as well as a legal right to its protection.

The Turkish Republic of Northern Cyprus is a political fact, and it is not in the long term interests of Britain nor of the European Union to continue any longer to discriminate against it. As a precursor to a settlement all restrictions on flights to, and trade and communications with, Northern Cyprus should be removed forthwith, and international aid to Cyprus should in future be allocated on the basis of need.

At a time when so much in the world is changing it is absurd to continue to deal with Cyprus on the basis of a thirty-seven year old fiction. Everyone hopes that international efforts will succeed, but a settlement

which either party finds unacceptable will be no settlement at all, and could plunge Cyprus again into violence and bloodshed. A settlement at any price would be worse than international acceptance of the present reality in Cyprus.

It is said that apart from the legal and moral rights of each of the parties, the present state of affairs is unacceptable because of the border violations and the threat by the Greek Cypriots to further militarise their part of the island. The international community is in a position to deal with these issues, and as noted above, they will not be solved by imposing an overall settlement unacceptable to one or both. The international community should make it clear to both sides that they must not permit incursions into the UN buffer zone, and must not station missiles in Cyprus. Any party which does so could then expect to suffer diplomatic, economic, or other penalties.

*“It is very difficult to arrive at a federal formula, or even a confederated one, because unification means psychological commitment to emotional solidarity, which does not exist.”* (Dr. Hugo Gobbi *Rethinking Cyprus* Tel Aviv 1993 p.76).

One side wishes to re-establish its domination over the other, and has internationalised the matter because it believes that the international community will assist it to move step by step toward this objective. The other side is determined that it will never submit, and if any form of coercion is used against it the result will be immense damage to international relations in the area, and even another war.

The United Nations can help for the foreseeable future by maintaining the peacekeeping force with orders to prevent any further provocation on the border and to treat both governments in Cyprus on a basis of equality. The UN should also use its best endeavours to ensure that the leaders of the two communities are treated as equals in the world. The UN must also warn against any attempt to change the status quo by force of arms, and should facilitate the payment of compensation now to all on both sides who lost their property.

If the world recognised both the States of Cyprus, in due course it is more than likely that the two peoples, dealing with each other as equals and on the basis of mutual respect, would wish to build a closer association between themselves, just as the sovereign peoples of Europe have done. The Security Council should rescind the ill-advised and

legally incorrect declaration which it made in Resolutions 541 and 550. This would lay the foundations for dealings between the two peoples, without which a future political association between them is very unlikely.

The UN Secretary-General (S/24472) thinks that *"the international community has the right to expect that talks [between the two leaders] will result in an agreement."* The international community may justifiably hope for such an outcome, but it has no such right. The two leaders are responsible to the two peoples of Cyprus and to no-one else, for it is those people who will die, and whose homes and businesses will be destroyed, if one or both are forced again by the international community into a settlement which will not work.

In "My Vision For Cyprus", published in 1988 President Rauf Denktaş said: *"My vision for Cyprus is one in which my grandchildren can grow up in peace and free from fear. This may not seem much to ask, but my generation of Turkish Cypriots and that of my children have suffered so much that we can never again take the future for granted or place our trust in pieces of paper. Our future must therefore be one in which we can live our lives in peace, and can retain our national identity, culture and traditions."*