

Turkey and the European Union

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The Cyprus question from the point of view of a Greek Cypriot

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(A) By way of Introduction

1. At the very beginning of his monumental classic work 'A History of Cyprus', Sir George Hill inserts the following words of a German archaeologist, Gustav Hirschfeld, which he wrote soon after the British occupation of Cyprus in 1878:

"He who would become and remain a great power in the East must hold Cyprus in his hand. That this is true, is proved by the history of the world during the last three and a half millennia, from the time of Thurmes III of Egypt to the days of Queen Victoria". (i)

2. The reason I mention this quotation is because a lot of what the Cypriots suffered and are still suffering, can be better understood if one has this quotation in mind which holds good even today. We still have in Cyprus, (as a proof of the presence of the last colonial great power), the so called "British Sovereign Base Areas" of Dhekelia and Episkopi, covering an area of about 100 sq miles (2,74 of the territory of Cyprus), which are considered "British soil", in addition to a number of "facility" sites spread over in other areas in Cyprus, for the use of the British Army.

Further to this, we have today the so called 'Green Line' (covering an area of about 2,62% of the territory of Cyprus) (ii) which is controlled by the United Nations, being a buffer zone between the area controlled by the Republic of Cyprus and the other area of our Island in the North (covering 35% of the territory of Cyprus, (ii)) which is presently under the control of the Turkish Army and calls itself the "Turkish Republic of Northern Cyprus", recognized by no other country in the world, except of course, Turkey.

3. I am sorry about bothering you with this complicated picture, but I want to show in a simple pragmatic way, the present situation in Cyprus, which, had it not been for the dead, the missing the enclaved and the refugees in their own land of both Greek Cypriots, and Turkish Cypriots, would have made an excellent theme for a surrealistic play!!.

(i) A history of Cyprus, Volume I Cambridge University press Reprint., 1972, page 1.

(ii) "Cyprus at a Glance", Press and Information office, Republic of Cyprus, 2003, pages 7, 9.

So you have a small island of about 150 miles by 60 miles where the original natives, who are about 80% of its population, are forced to live in an area covering only about 60% of the Island, and where the rest is under the control of the Turkish Army, the British Army or the United Nations Forces.

To complete the picture, please allow me to refer briefly to a few milestones of the history of this Island, something which, again, I think will assist you in understanding better the Cyprus problem.

4. Cyprus has a long history going back more than 11000 years (9th millennium B.C.) From the very beginning of civilization in this part of the world, Cyprus and its people were very much connected with the Greek mythology and the Greek philosophy and way of life. It is well known that Cyprus is mentioned as the birthplace of Aphrodite and Zenon of Kitium, (Kitium is a village in Cyprus) as the founder of the Stoic philosophical school of ancient times.

Through its long history, Cyprus, being a small weak island, was conquered by those who held power at the time e.g. the Romans, the Assyrians, the Egyptians the Persians, and then between the 4th and 12th centuries Cyprus formed part of the Byzantine Empire and, after a brief changing of hands between Richard the Lionheart and the Knights Templar, it came under the Franks (Lusignan Dynasty 13th to 15th centuries). They were succeeded by the Ottomans in 1570, when Cyprus was invaded by the forces of the Ottoman Empire and remained under Ottoman occupation up to 1878, when the British took over, in rather strange circumstances:

Originally under a "lease Agreement" and then, in 1926, annexed by the British, becoming a Crown Colony and remaining so up to 1960, when Cyprus finally

was declared a Republic under the Zurich Agreements, with a “given” Constitution, The Island became an independent State and as such a member of the United Nations, the British Commonwealth, and the Council of Europe and other international Organizations; in May next year, Cyprus is expected to become formally a member of the European Union.

5. At the birth of the Cyprus Republic in 1960, the population consisted of about 80% Greek Cypriots, having as their language Greek, and the religion and customs of the Hellenes (Greek Orthodox Christians).

The Turkish Cypriots formed 18% of the population and they also had as their language Turkish, and the religion and customs of the Turks (muslims), having inherited them from their ancestors, the Ottomans who came to Cyprus originally in 1570. The remaining 2% of the population were mainly Maronites, Armenians and Latin.

6. The Greek Cypriots and the Turkish Cypriots lived rather peacefully on the Island, during the 3 centuries of the Ottoman occupation and, during the British occupation, they co-existed happily and lived together in many mixed villages, without any problem. It was only during the last few years before independence, when the British used Turkish Cypriot police and other agents to suppress the fight of the Greek Cypriots against the British to get rid of the colonial Rule that the enmity between the two communities became a big problem and finally, in 1963, the inter - communal troubles started and, as happens in such cases, many atrocities were committed by both sides.

7. The Zurich Agreements, which established the Republic of Cyprus, gave a lot of privileges to the minority Turkish Cypriots, and this caused a lot of problems, which created a very fertile ground for Turkey to promote its long – term objectives: to have a foothold in Cyprus or bring about the partition of the island.

8. In fact this objective was quite known and obvious to the Greek Cypriot community, but it was not easily understood by the international public opinion, who did not accept the notion that, in the 20th century, after two great wars, neighbouring countries, might still want to expand at the expense of their neighbour and exercise control over them, because they could use superior power against these weak neighbours. The Turkish Government always alleged

it was intervening to protect the Turkish Cypriots in Cyprus from the “terrible Greeks”, who wanted to annihilate them. It is true that, in 1974, when the Turkish army invaded Cyprus, a lot of people outside Cyprus believed that this was their motive, because at that time, the Greek junta in Greece did interfere in Cyprus and attempted to kill the President of the Republic Archbishop Makarios and caused a coup. In the turmoil that followed even the Guarantor Powers under the Zurich Agreements failed to stop the invading Turkish army, who alleged that they were exercising their right under the Zurich Agreements as a Guarantor Power! The Turkish Government was saying that they came to restore constitutional order, but although the elected President returned to Cyprus, the invading Turkish army, which formed a formidable military force, is still on the soil of the Republic of Cyprus and, what is more, the Turkish Government sent over more than 100 000 Turkish nationals from the mainland as ‘seasonal workers’, to collect oranges (!). These seasonal workers are still in Cyprus because they were sent here, to change the ethnographic situation in Cyprus.

9. Now Turkey no longer hides its real motives and plans for Cyprus. In an interview on the 10th November 2003 with ‘Radikal’, a Turkish newspaper, the chief of Turkey’s armed forces, General Hilmi Ozkok re-emphasised the strategic importance of Cyprus to Turkey, arguing that giving up Cyprus would risk encircling Turkey. A resume of this interview was published the next day in the English language newspaper of Cyprus, the ‘Cyprus Mail’ and the text is quite enlightening:

General Ozkok highlighted the importance of the Island for his country, explaining that Cyprus is situated on a strategic line that starts from Britain and extends to Gibraltar, Malta, to the Suez Canal, India and Singapore. He stressed the danger of allowing enemy planes to operate from Cyprus saying that, ‘Geographically speaking, if an air force was set up in the island it would be a serious threat to Turkey’. He went on to give further explanations as to the importance that Cyprus has for Turkey and in a way lamented that, if the North part of Cyprus were to become independent, Turkish control would no longer be effective there. In fact, the whole of the interview makes interesting reading for those who want really to know what those who govern Turkey real think about Cyprus.

10. As you can see, the quotation of the German Archaeologist that I mentioned at the beginning of this Statement, has now taken a more specific form in relation to Turkey, which is today the strongest military force in the Eastern Mediterranean and wishes to fully exploit this position.

(B) The Legal Aspect

1. A lot of conflicting information has been given by various sources as to the legal situation which now prevails in Cyprus, but one has to base one's knowledge on objective findings by third parties and in this respect the judgements of an International Court can offer such an opportunity. The case of Loizidou versus Turkey (the Loizidou case) of the European Court of Human Rights in Strasbourg ⁽ⁱⁱⁱ⁾ is a case which is very much to the point.

(iii) Application No 15318/89 – 22 July 1989

2. A careful study of this very interesting case will enlighten those who wish to be informed about the present legal position in relation to Cyprus. Needless to say, the Turkish Government and the present Turkish Cypriot leadership avoid discussing this case and they have done everything to water down the importance of this case and the execution of its judgements. At the time of writing this Statement the enforcement of the judgements of the Court (see below [B] 3) is being discussed in the Committee of Ministers of the Council of Europe, which is the appropriate body to supervise the execution of the judgements in accordance with Article 46 para. 2 of the European Convention on Human Rights (the Convention). Turkey is trying to avoid the enforcement of the judgements by proposing unacceptable conditions and the Ministers' Deputies have, on the 12th November 2003 by an interim Resolution ^(iv) strongly urged Turkey to reconsider its position and to pay without any conditions whatsoever the just satisfaction awarded to the applicant by the Court, within one week i.e., 19th November 2003 at the latest, declaring the Committee's resolve to take all adequate measures against Turkey if Turkey fails once more to pay the just satisfaction awarded by the Court to the applicant.

Turkey failed to comply with the above requests on the 19th November 2003 and the Committee later gave instructions for the preparation of a list of sanctions to

be taken against Turkey, in case Turkey continues not to comply with the judgements of the Court. The whole matter is still pending before the Committee.

Turkey, of course, is in a very difficult situation because it will greatly prejudice its position in trying to persuade the European Union that it is a good, law abiding candidate, when in fact she refuses to comply with the judgements of the European Court of Human Rights.

3. The Loizidou case is an individual Petition filed in the Strasbourg Court on the 22nd July 1989, with a judgement on preliminary objections on 23rd March 1995, another judgement on the merits of the case on 18th December 1996 and final judgement on the 28th July 1998 for compensation and other matters.
4. The petitioner applied under article 1 of the Protocol No. 1 of the Convention alleging violations of her rights in that she was not allowed by Turkey to peacefully enjoy her immovable property at Kerynia (a town in Northern Cyprus) and claiming damages, as compensation for loss of use and moral hardship.

(iv) An official press release on the relevant Resolution is attached to this statement.

The Court justified the petitioner and awarded in her favour and against Turkey CYP£300.000 for loss of use, CYP£20.000 for moral hardship, plus costs, over CYP£137.000, which today, with the interest of 8% p.a. on the original amounts, reach a total figure of more than a million Euros in all (CYP£1 = €1.7). Turkey must also allow the petitioner to enjoy peacefully her property at Kyrenia in Northern Cyprus, which is now under the control of the Turkish Army.

5. Turkey objected to this case and its judgements alleging that they were 'political', but she was later obliged to abandon this superficial allegation and accepted to pay the compensation. She is, however, trying to impose conditions in order to postpone the enforcement of the second part of the judgements for the restoration of the peaceful enjoyment of her property in Northern Cyprus.
6. This case is very important because it dealt with and resolved a number of other issues relating to the case e.g., that Turkey had effective control over that part of Cyprus which its Army occupies and that it has responsibilities for the so called "Turkish Republic of Northern Cyprus" (TRNC) which is in fact described by the

Court as “a subordinate Local Administration”, not recognised by international law and, of course, not recognising any of its acts like the purported issuing of property deeds in relation to immovable property. The judgements of the Court in this Petition have far reaching repercussions not only from the legal point of view, but also from the financial point of view, because of the immense damages that Turkey may be ordered to pay, if all the 200000 Greek Cypriots, whose property is prejudicially affected, by the Turkish Army in Cyprus, were to apply to the Court In Strasbourg.

(C) The Present State of Affairs

1. The Cyprus problem has been discussed in various international fora for more than 50 years but no sustainable solution has been found. Not because the poor Cypriots, whether they are Greek Cypriot or Turkish Cypriot can exert any kind of power or influence on any other state, but because the great powers and Cyprus' very powerful neighbour, Turkey, have their own interests in Cyprus.
2. Following the difficulties which were encountered in supplementing the Zurich Agreements after 1960 and after many attempts to find a solution to the problem, the Greek Cypriot side made an historic concession by agreeing to solve the problem on a federal basis, although the minority of the Turkish Cypriots was, comparatively, speaking, very small. The latest proposal, which was made on this basis by the United Nations, who have been trying to reach a solution of this problem for a long time, is the ANAN plan (after the name of the Secretary – General of the U.N.), which was recently proposed to the two communities.
3. This plan makes elaborate provisions for the full protection of the rights of both communities and speaks of two separate entities with their legislative, executive and judiciary, united under a federal structure, forming one federal sovereign independent state.
4. The Leader of the Greek Cypriot community has accepted this plan, as a basis for negotiations and expressed his willingness to discuss certain alterations to the plan in order to make it more functional and sustainable. On the contrary,

The Leader of the Turkish Cypriot side has rejected this plan outright and insisted on a plan based on two separate sovereign states (one "Greek-Cypriot" and the other "Turkish-Cypriot"), with their own separate independent legislative, executive and judiciary, loosely connected with a weak central government on the basis of, what may be described as, "Confederation". This kind of proposal is contrary to the basic provisions of the ANAN plan and is total unacceptable.

5. As things stand today there is little hope of any agreement, unless Turkey is persuaded to change its position and her aspirations for expansion, which are supported by the military and their hard core "hawks" in the foreign ministry of Turkey. The Greek Cypriots and the Turkish Cypriots have lived in peace in Cyprus when they were left alone and this attitude has survived up to this day. The way they mixed together after May of this year, when the Turkish Cypriot leadership allowed some freedom of movement in Cyprus, is a strong proof of this proposition. If there is no agreement the Republic of Cyprus will formally become a member of European Union in May 2004 as it is today and the problem will have to be dealt with under the new situation which will arise.

As a Greek Cypriot who has been in public life for more than 40 years, and has been working very closely with his Turkish Cypriot compatriots, I wish and hope that an Agreement may be reached soon so that all the people of Cyprus can live together in peace, as they are entitled to do, being part of the European family of nations.

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