



# The **Cyprus** Question



a brief introduction

June 2024

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# Contents

<b>FOREWORD</b>	<b>8</b>
<b>INTRODUCTION</b>	<b>9</b>
<b>POLITICAL OVERVIEW</b>	<b>11</b>
Seeking a negotiated solution	11
Issues under discussion since 1974	12
UN negotiations, 2002–2004	13
The 24 April 2004 referenda—the people’s decision	14
Alleged Turkish Cypriot isolation	16
Reviving the peace process 2005–2006	17
The 8th July 2006 agreements	18
New initiatives in 2008 yield results	19
Negotiations leading to Crans Montana	20
Cyprus and the European Union	22
Conclusion	25
<b>HISTORICAL BACKGROUND</b>	<b>26</b>
From Independence to the Turkish invasion, 1960–1974	26
Turkish military invasion and occupation	29
Our vision for a reunified Cyprus	37
<b>MAPS</b>	<b>38</b>
<b>APPENDICES</b>	<b>41</b>
1. Policy initiatives for Turkish Cypriots	41
2. Important legal decisions on the Cyprus question	44
3. Consequences of the Turkish invasion and occupation - facts and figures	49
<b>CHRONOLOGY OF KEY EVENTS</b>	<b>50</b>
<b>SELECT BIBLIOGRAPHY</b>	<b>57</b>



“ We are all prisoners of knowledge. To know how Cyprus was betrayed, and to have studied the record of that betrayal, is to make oneself unhappy and to spoil, perhaps for ever, one’s pleasure in visiting one of the world’s most enchanting islands. Nothing will ever restore the looted treasures, the bereaved families, the plundered villages and the groves and hillsides scalded with napalm. Nor will anything mitigate the record of the callous and crude politicians who regarded Cyprus as something on which to scribble their inane and conceited designs. But fatalism would be the worst betrayal of all. The acceptance, the legitimisation of what was done—those things must be repudiated. Such a refusal has a value beyond Cyprus, in showing that acquiescence in injustice is not ‘realism’. Once the injustice has been set down and described, and called by its right name, acquiescence in it becomes impossible. That is why one writes about Cyprus in sorrow but more—much more—in anger.”

Christopher Hitchens, *Hostage to History: Cyprus from the Ottomans to Kissinger* (London and New York: Verso, 1997).

“ ... if the purpose of a settlement of the Cyprus question is to be the preservation rather than the destruction of the state and if it is to foster rather than to militate against the development of a peacefully united people, I cannot help wondering whether the physical division of the minority from the majority should not be considered a desperate step in the wrong direction.”

Dr Galo Plaza, *Report of the United Nations Mediator on Cyprus to the Secretary-General, UN Security Council S/6253, 26 March 1965.*

“ By now it is no longer possible for violence and injustice to stifle a whole people in secret, without protest. Apparently, this world we thought had gone rotten, still has spirits that dare to rear their head against hypocrisy, injustice, arrogance.

It is a critical moment. The moral salvation of the whole world depends on the answer given to the Cyprus question. And on this moral salvation the political, social, cultural salvation of the world has always depended.

Cyprus is no longer a detail now, a mere island at the extreme tip of the Mediterranean. It is becoming the fate-marked centre, where the moral value of contemporary man is at stake. [...]

There is some mystic law in this world (for if there were not, this world would have been destroyed thousands of years ago), a harsh inviolable law: in the beginning, evil always triumphs, and in the end it is always vanquished. [...]

For us this is a good moment to forget our passions and our petty cares; for each man of us with his own God-given gifts to follow the path of freedom throughout the land of Cyprus. And we must share her grief, her upsurge, her danger, insofar as we are capable, and surely later on (for this is the law, we said) her great joy as well.”

**Nikos Kazantzakis, "The Angels of Cyprus," as it appeared as an Epilogue in his book *England: A Travel Journal* (New York: Simon and Shuster, 1965)**

“ The political-demographic de facto partition imposed on Cyprus since 1974 thus threatens not only the unity and integrity of a modern nation-state but also the millennial cultural integrity and continuity of the island which has been the crossroads of the civilisation of the eastern Mediterranean.”

**Michael Jansen, "Cyprus: The Loss of a Cultural Heritage," (Modern Greek Studies Yearbook, 2 (1986):314-323.**

## Message from the President of the Republic, Mr Nikos Christodoulides, on the 50th anniversary of the Turkish invasion

Sadly, this year is marked by a grim milestone for our country. It marks fifty years since the tragic summer of 1974 which divided Cyprus – and our souls – in two. That tragic summer profoundly left its mark on the lives and future of our homeland.

Fifty years have passed since the Turkish invasion of Cyprus, with all its devastating consequences and inflicted suffering. The occupying troops, the separation and long-term division of the land and its people. The brutal murders, the rapes, the unjust loss of thousands of lives, amongst them children, the violent uprooting of thousands of families from their domicile.

Fifty years of inquiring about the fate of our missing persons. Fifty years of ongoing, illegal military occupation of more than 36% of the territory of the Republic of Cyprus. Fifty years of violating fundamental freedoms and human rights of all Cypriots. Fifty years of illegal settlement, demographic, religious and cultural alteration of our land in the occupied areas. Fifty years is far too long.

It is time for peace, liberation and for the reunification of our country. It is our duty and obligation to bequeath a free, reunited and prosperous homeland to our children, a member state of the European Union, where fundamental freedoms are safeguarded and defended, as it is the case in all member states of the European Union.

It is our duty to do so on behalf of the thousands who have heroically lost their lives whilst defending the Republic of Cyprus on the front lines. To all those who remain enclaved in the occupied areas despite adversities and continuous hardship.

As the first President of the Republic of Cyprus, born only a few months before the Turkish invasion and raised in a de facto divided Cyprus, my vision is the reunification of my country and its people, so that we can all live in peace, security and prosperity. I have been serving this vision from the very first day I assumed my duties, and I assure you that I will continue to work towards this end with assertive realism, fortitude and determination.

My aim is none other than achieving a viable and lasting solution on the basis of a bizonal, bicomunal federation with political equality, as defined by relevant United Nations Security Council resolutions and within the framework of the principles and values of the European Union.

This is the only way forward for a prosperous future for us and our children, in a modern European state with a substantial role and voice in regional and European developments, for a homeland without barbed wires and occupying troops.

# Foreword

In July 1974 Turkey invaded the Republic of Cyprus. This was in violation of the UN Charter and of fundamental principles of international law. The consequences of the military invasion and subsequent occupation of nearly forty percent of the sovereign territory of the Republic are still felt today. For almost five decades, Turkey's aggression has continued unabated. With it came military occupation, forcible division, population displacement, ethnic segregation, massive violation of human rights, colonisation, attempted secession, cultural destruction, and property usurpation. These conditions, imposed by Turkey, constitute an unacceptable and unsustainable situation that has persisted on the island since 1974. We therefore stand more determined than ever to overcome this status quo, in line with international law and relevant UN Security Council resolutions, in order to ensure a stable, prosperous and secure future for all Cypriots within the European Union.

Cyprus is at the crossroads of Europe and the Middle East, in a part of the world that is no stranger to conflict and instability. We are, however, convinced that the Eastern Mediterranean and the wider Middle East can change the narrative of being a region in turmoil. We can become a hub of stability, peace, and cooperation, an exemplar of the change capable in the 21st century. Cyprus seeks to act as a facilitator for this common vision and has come together with its immediate neighbours – Egypt, Israel, Jordan, Lebanon, Palestine, Greece – building a solid network of cooperation that is underpinned by a vision to make the Mediterranean a sea of peace, cooperation and prosperity.

We shall continue on this path of multilateralism anchored on respect for international legality, and we call on all countries of the region that share these values to join us.

This is, after all, the essence of the guiding principles that founded the United Nations 79 years ago.

# Introduction

Cyprus became an independent sovereign state in August 1960. Unfortunately, since the invasion and continuing military occupation by Turkey in 1974, the island republic remains forcibly divided. The dire consequences of this invasion, occupation and forcible division along ethnic lines have been systematic violations of human rights, massive colonisation and ethnic cleansing of areas under occupation, militarisation, property usurpation and the destruction of cultural heritage.

The Cyprus question remains unresolved, an affront to the international legal order, and a threat to regional stability. Turkey's actions have been condemned by unanimous UN Security Council resolutions, UN General Assembly resolutions<sup>1</sup>, international court decisions, and decisions by other major international and regional organisations. Regrettably, most of these resolutions and decisions remain unimplemented.

On 1 May 2004, the Republic of Cyprus joined the European Union without achieving the desired goal of accession as a unified country. The Government and people of Cyprus, however, remain committed to a viable settlement that would allow the genuine, peaceful, and secure reunification of their country, in conformity with European norms and international law.

The President of the Republic, Mr Nikos Christodoulides, has repeatedly underlined that his top priority will be to restart substantial negotiations within the agreed framework for a solution, as determined by the resolutions of the Security Council of the United Nations, the High-Level Agreements, the European acquis and based on the convergences reached over the years.

“Our aim”, he emphasises, “is none other than to reach a solution without occupying troops, foreign guarantees and invasive rights, a solution that will restore the unity of our homeland, of its territory, its people and its institutions within a bi-zonal, bi-communal federation where the human rights and safety of all citizens, without exception, will be enshrined and fully respected”.

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<sup>1</sup> See Ministry of Foreign Affairs of the Republic of Cyprus, *United Nations Security Council and General Assembly Resolutions on Cyprus 1960-2006* (Nicosia: Press and Information Office, Republic of Cyprus, 2006).

“Based on everything I have said above and taking into account, on the one hand the current state of affairs on an international level, and on the other hand the sheer need to reverse the unacceptable status quo in Cyprus”, President Christodoulides added, “I have already laid down the main points of our proposal for a more active involvement of the European Union in the Cyprus question, both in the efforts to resume negotiations and during the negotiating process itself. Here I must clarify that by involvement of the European Union, we mean in support of and in tandem with the efforts of the General Secretary and of the United Nations. I am convinced that the EU can play a decisive role both towards breaking the deadlock and in the course of the negotiating process, given that it possesses all these tools and motives for all parties that can lead to a mutually beneficial state of affairs. Our endeavour does not aim at creating unilateral benefit, but on gradually promoting a win-win situation. Here I must point out that the ultimate benefit for the Republic of Cyprus will be the resolution of the Cyprus problem and the reunification of Cyprus, which will also have a positive impact on the region”.

# Political Overview

## *Seeking a negotiated solution*

Following Turkey's invasion of Cyprus in 1974, the Turkish side demanded a solution that would keep the two communities apart, either as two separate sovereign states or two separate states under a loose confederation.

The two communities agreed in 1977 and 1979 to reunite Cyprus under a bi-communal, federal republic, the parameters of which have evolved through the years. For the Greek Cypriots, who had strongly advocated the concept of a unitary state, the acceptance of a bi-zonal, bi-communal federation was a historic compromise in their effort to terminate Turkey's military occupation and achieve the reunification of Cyprus.

The UN-led peace process has since 1977 sought to define the framework of such a federal solution. Negotiations have sought to reconcile the interests and concerns of the two sides under a common central government.

UN Security Council resolution 367 of 12 March 1975 reactivated the Secretary-General's mission of good offices, which had been interrupted in 1974. Since then, intermittent negotiations under UN auspices have taken place. There have been high level meetings between the two communities, proximity talks, proposals for confidence building measures, and various plans by UN and other foreign emissaries. All these actions have failed to resolve the Cyprus problem for a number of reasons, including:

- ▶ Failure by Turkey to implement UN Security Council resolutions
- ▶ Prevalence of third-party strategic, economic, and political considerations over a viable and functional solution that satisfies the concerns of the state of Cyprus and of all Cypriots
- ▶ Intransigent policies of successive governments in Turkey who claimed that the Cyprus problem was "solved" in 1974
- ▶ Political conditions in the Turkish Cypriot community and insistence by Turkish leaders on the recognition of the so-called "TRNC"
- ▶ Disregard of international law, European law, and precedent-setting decisions by regional and national courts in proposed "solutions" to the Cyprus problem.

### *Issues under discussion since 1974*

The Cyprus problem has since 1974 been one of military invasion and continuing occupation in violation of fundamental principles of international law and relevant unanimous UN Security Council resolutions. Negotiations, especially after 16 January 2002, aimed at a comprehensive solution for the reunification of Cyprus. Throughout this process, the Government of Cyprus sought a solution reflecting democratic norms, the UN Security Council resolutions, international law, European Union law, and relevant court decisions. Specific issues under discussion have included:

- ▶ Implementation of UN Security Council resolutions and the high level agreements that call for a bi-zonal, bi-communal federation
- ▶ New power sharing formula under a federal government with adequate powers for effective governance, for safeguarding the unity of the Republic, and for meeting its international and EU obligations
- ▶ Continuation of one Republic with one single sovereignty and international personality and one single citizenship
- ▶ Safeguards for the independence and territorial integrity of the Republic and the exclusion in whole or in part of union with any other country or any form of partition or secession
- ▶ Political equality between the Greek and Turkish Cypriot communities as defined in relevant Security Council resolutions
- ▶ Guarantees against foreign interference and unilateral right of intervention by another country
- ▶ Withdrawal of foreign forces under relevant UN Security Council and General Assembly resolutions
- ▶ Return of displaced persons and a property recovery system in conformity with the European Convention and court decisions
- ▶ Right to acquire property and reside anywhere in Cyprus without restrictive quotas based on ethnic or religious criteria
- ▶ Full respect for the human rights of all Cypriots under the European Convention
- ▶ Repatriation of the illegal settlers to Turkey, except for a limited number based on special humanitarian considerations
- ▶ Compatibility of any settlement with the obligations and rights of the Republic of Cyprus in the EU
- ▶ Complete demilitarisation of the Cypriot state.

### *UN negotiations, 2002–2004*

Lack of progress in the mission of good offices of the Secretary-General led the leaders of the G-8 on 20 June 1999 to call on the parties to engage in talks on all issues without pre-conditions and commit to negotiate until a settlement is reached based on full consideration of relevant UN resolutions and treaties. This formula was also endorsed by UN Security Council resolution 1250 of 29 June 1999. The process, having gone through various stages, culminated in the UN proposal known as the “Annan Plan,” which was submitted to the parties first in November 2002 and subsequently, in its final form (“Annan V”), in March 2004.

The direct talks between President Glafcos Clerides and Turkish Cypriot leader Rauf Denktash which started on 16 January 2002 failed to make substantive progress. In an attempt to secure an agreement by the 12-13 December 2002 Copenhagen EU summit, which would decide on the accession of Cyprus to the EU in 2004, Secretary-General Kofi Annan presented on 11 November 2002 a detailed plan for a comprehensive settlement (Annan I). Following reaction by the parties, the plan was revised on 10 December 2002 (Annan II) and again on 26 February 2003 (Annan III).

In January-February 2003, massive Turkish Cypriot demonstrations took place in the occupied areas against Turkish Cypriot leader Rauf Denktash and his Ankara supported policies. The Republic of Cyprus, as already agreed, signed the EU Treaty of Accession on 16 April 2003.

On 23 April 2003, under growing public Turkish Cypriot discontent with the situation in occupied Cyprus, Turkey and the Turkish Cypriot leadership were compelled to partially lift restrictions, which they had imposed since 1974 along the UN ceasefire line, on the movement of Greek and Turkish Cypriots. Since then, thousands of Cypriots have been crossing regularly the ceasefire line. In addition, thousands of Turkish Cypriots cross daily to work in the free areas, to claim passports and other documents issued by the Government of Cyprus and to receive free medical care. These peaceful crossings have destroyed the myth cultivated for years by Turkish propaganda that the two communities cannot live together. But these measures are no substitute for a comprehensive settlement.

Following continuing deadlock, even after the involvement of Greece and Turkey in the process, the Secretary-General finalised the text (“Annan V”) which was submitted to the two communities in Cyprus for a vote on separate and simultaneous referenda on the 20th April 2004.

### *The 24 April 2004 referenda—the people’s decision<sup>2</sup>*

Following a spirited public debate, the Greek Cypriot voters overwhelmingly rejected Annan V, by a vote of 75,8 percent against 24,2 percent. In contrast, 64,9 percent of the Turkish Cypriot voters approved the plan. It should be noted that settlers from Turkey, who had no legal right to vote, were allowed to do so.

The positive Turkish Cypriot vote is easy to explain:

- ▶ Rejection of the authoritarian policies of Rauf Denktaş
- ▶ Continuation of the illegal Turkish Cypriot “state”
- ▶ Legitimation of the status of nearly all illegal settlers from Turkey in the Turkish Cypriot component state
- ▶ Permanent presence of troops from Turkey in Cyprus
- ▶ Right of Turkey to intervene in Cyprus

Finally, the Turkish Cypriot vote was motivated by the anticipation of substantial economic benefits emanating from the accession of Cyprus to the EU and of expected economic support from the Greek Cypriot community.

Various legitimate reasons explain the Greek Cypriot negative vote, including:

- ▶ Rigid negotiating deadlines, no real time for discussion of a most complex legal document, and threats expressed or implied by some of the interlocutors if the Greek Cypriots did not accept the UN plan
- ▶ Major derogations from the European Convention of Human Rights depriving all Cypriots of fundamental rights, while other EU nationals residing in Cyprus would enjoy all such rights under the Convention
- ▶ Dissolution of the internationally recognized Republic of Cyprus and replacement by a loose confederation of two largely autonomous states
- ▶ Questionable functionality of the new state in view of the provisions on the executive, the legislative and the judicial branches, and the presence of enhanced minority vetoes. (Non-Cypriot third parties, unaccountable to the Cypriot public, would cast deciding votes in key policy areas)
- ▶ Confederal nature of the proposed constitution was reflected in the absence of a provision on the hierarchy of laws. (This carried the risk of jurisdictional conflicts, which would accentuate the divisive nature of the proposed new polity)

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<sup>2</sup> See Claire Palley, *An International Relations Debacle: The UN Secretary-General’s Mission of Good Offices in Cyprus 1999–2004* (Oxford and Portland, Oregon: Hart Publishing, 2005).

- ▶ Absence of adequate guarantees to ensure that the commitments undertaken by the parties and particularly Turkey would be carried out
- ▶ Economic cost of the proposed settlement –convergence, reconstruction, property compensation, compensation to settlers, monetary policy– would be largely borne by the Greek Cypriots. (Turkey, whose military aggression divided the island, was absolved of any financial responsibility for its actions in Cyprus)
- ▶ Security issues involving the gradual reduction and continued presence of Turkish troops with expanded intervention rights even after Turkey joins the EU. (The “United” Cyprus was excluded from the common European defense policy and would be totally demilitarised. Turkey’s proposed guarantees violated the obligation of non-intervention in the internal affairs of states and the respect of the territorial integrity of all states)
- ▶ Issues of citizenship definition and the fact that nearly all settlers from Turkey would remain in Cyprus
- ▶ Violations of property rights that are essential rights under the European Convention and overturning of important European Court precedents
- ▶ Expansion of Britain’s rights in the sovereign base areas and in the Republic’s territorial waters
- ▶ Deletion of the ratification by the Republic of Cyprus of the 1936 Montreux Treaty (Cyprus is a major maritime power. The plan also granted Turkey near veto rights on the continental shelf of Cyprus)
- ▶ Violation of the European Convention by denying the right of Cypriots to acquire property and live wherever they chose, as other EU nationals could, without restrictive quotas based on ethnicity and religion.

The plan was rejected because it was judged by the great majority of Cypriots not to be the best for the common interest of Greek Cypriots and Turkish Cypriots. As President Papadopoulos stated at the time, “while all demands by Turkey were adopted in the final Plan on the last day, basic concerns of the Greek Cypriot side were disregarded. All involved in the talks were anxious to bring Turkey on board and ensure a ‘yes’ vote by the Turkish Cypriot community, and ignored the fact that the far bigger Greek Cypriot community also needed to be convinced to vote ‘yes’ on the Plan. Thus, this process failed to address the legitimate concerns, needs, and interests of both sides.” The negative outcome of the referendum rendered the Annan Plan null and void.

### *Alleged Turkish Cypriot isolation<sup>3</sup>*

Following the rejection of the Annan Plan, Turkey launched a propaganda campaign under the slogans of “easing,” “lifting” or “ending” the alleged “isolation” of Turkish Cypriots. Regrettably, this has led to widespread misinformation, regarding the situation in Cyprus, and to some questionable proposals, ostensibly to improve the economic conditions of Turkish Cypriots. Turkey has even tried to mislead the international community into believing that the Government of Cyprus was, somehow, responsible for the predicament of the Turkish Cypriots.

Turkey used this approach for two reasons: to divert, in view of its EU aspirations, attention from its ongoing military aggression against Cyprus and to upgrade the illegal regime in the occupied areas of the island.

In essence, Ankara has been seeking to secure for the secessionist regime economic attributes of an independent entity.

However, any moves promoting the de facto recognition of the illegal secessionist regime would be in direct violation of international law and UN Security Council resolutions, especially resolutions 541 (1983) and 550 (1984). Such moves would also undermine efforts for the country’s reunification, in line with the agreed framework, which is the declared position of the UN, the EU, and the international community at large, by removing any incentive for the secessionist regime for constructive participation in the peace process.

In doing so, they would help to solidify the illegal situation created by Turkey in the occupied part of Cyprus and to perpetuate the victimisation of Turkish Cypriots. Moreover, such ideas divert attention from Turkey’s failure to abide by its obligations to the EU, including the opening of its seaports and airports to ships and aircraft carrying the Cyprus flag.

The plight of the Turkish Cypriot community has been the direct result of Turkey’s aggression, which keeps Cyprus, its people, institutions and economy divided. It is also the result of misguided policies by Turkish Cypriot leaders, who have consistently promoted Turkey’s interests at the expense of their own community and of Cyprus as a whole. The so-called “isolation” of Turkish Cypriots is very much a self-inflicted wound. It is certainly not the result of any action taken by the Government of Cyprus, which has sovereignty over all the territory of the state, including the occupied areas, and which acts in line with its obligation to defend its sovereign rights and the rule of law.

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<sup>3</sup> See Miltos Miltiadou, *Toward a Unified Cyprus: The Myth of Turkish Cypriot “Isolation,”* Fourth Edition (Nicosia: Press and Information Office, Republic of Cyprus, 2010).

In response to Turkey's military aggression, the Republic of Cyprus introduced a number of defensive measures to safeguard its independence, sovereignty, territorial integrity, and economy. One of these measures was the declaration of all seaports and airports in the Turkish occupied area of the Republic as illegal. Such measures became necessary, because the Government was not able to exercise effective control in the areas of Cyprus under Turkish military control.

Under international law, the Republic of Cyprus is the only legal and recognised authority with sole responsibility for air and sea travel, trade, security, safety, and similar issues within its sovereign territory. Similarly, under international law, the regime established by Turkey in occupied Cyprus is illegal and, therefore, all its professed institutions, decisions, and documents have no political or legal validity. As European Courts and the UN Security Council have affirmed, the regime has no legal status in the international community. The European Court of Human Rights has declared this illegal regime as Turkey's "subordinate local administration" in occupied Cyprus (See Appendix 2).

The record clearly shows that the military occupation by Turkey has victimised, albeit in different ways, both the Greek and Turkish Cypriot communities on the island. Turkey's continuing occupation is directly responsible for whatever sense of "isolation" Turkish Cypriots may have experienced. In fact, Turkey prevents Turkish Cypriots from realising their full potential and deprives them of substantial benefits and opportunities they are entitled to as citizens of the Republic of Cyprus and the EU.

The Government of Cyprus has always been concerned about the economic situation of Turkish Cypriots. It has been better able to provide services to Turkish Cypriots since the partial lifting in 2003 of illegal restrictions, imposed by the Turkish military on the free movement of people across the 1974 UN ceasefire line that extends across the island. Turkish Cypriots have since been able to work, in increasing numbers, in the government-controlled areas earning income estimated at more than 273 million euro so far and to enjoy an expanded range of benefits, including free medical care (See Appendix 1).

### *Reviving the peace process 2005–2006*

Even though the 2002–2004 UN effort did not resolve the Cyprus problem, the referendum was not the end of the road.

In order to revive the peace process, President Tassos Papadopoulos exchanged views with the Secretary-General in New York on 16 September 2005 concerning the preparation of a renewed effort on Cyprus by the UN. The Secretary-General also met with Turkish Cypriot leader Mehmet Ali Talat, on 31 October. In his report to the Security Council on 20 November 2005, the

Secretary-General noted that both leaders and many countries urged him to consider holding new talks in the context of his good offices mission.

President Papadopoulos subsequently met with the Secretary-General in Paris, on 28 February 2006, where they reviewed the situation in Cyprus and examined modalities for moving forward on the process leading to the reunification of the island. They also agreed that the resumption of the negotiating process within the framework of the Secretary-General's good offices must be timely and based on careful preparation.

### *The 8 July 2006 agreement*

This outcome generated a new momentum for the resumption of the peace process on Cyprus. On July 3, President Papadopoulos and Turkish Cypriot leader Talat met on the sidelines of a meeting of the Committee on Missing Persons and in the presence of the UN Secretary-General's Special Representative on Cyprus. In addition, the UN Under Secretary-General for Political Affairs, Ibrahim Gambari, visited Greece, Turkey, and Cyprus during 3-9 July. Following a joint meeting on 8 July with President Papadopoulos and Mr Talat, the UN Under-Secretary presented the following "Set of Principles" agreed to by the parties:

1. Commitment to the unification of Cyprus based on a bi-zonal, bi-communal federation and political equality, as set out in the relevant Security Council resolutions.
2. Recognition of the fact that the status quo is unacceptable and that its prolongation would have negative consequences for the Turkish and Greek Cypriots.
3. Commitment to the proposition that a comprehensive settlement is both desirable and possible and should not be further delayed.
4. Agreement to begin a process immediately, involving bicomunal discussion of issues that affect the day to day life of the people and concurrently those that concern substantive issues, both of which will contribute to a comprehensive settlement.
5. Commitment to ensure that the 'right atmosphere' prevails for this process to be successful. In that connection, confidence building measures are essential, both in terms of improving the atmosphere and improving the life of all Turkish and Greek Cypriots. Also in that connection, an end must be put to the so-called 'blame game.'

In addition, the two leaders decided that technical committees on issues that affect day to day life would commence work provided that, at the same time, they would also have exchanged a list of issues of substance, the contents of which would be studied by expert bi-communal working groups and finalised by the leaders.

The 8 July Agreement reaffirmed the Cyprus government's commitment to reunify the island on the basis of a bi-zonal, bi-communal federation. On 29 August 2006, the UN Security Council urged the implementation of the 8 July Agreement without further delay and expressed its support for the continued efforts of the Secretary-General to achieve a comprehensive settlement on Cyprus.

In order to facilitate the process, on 15 November 2006 the UN Under Secretary-General for Political Affairs provided suggestions for the implementation of the 8 July Agreement. Unfortunately, difficulties appeared during the preparatory phase, because the Turkish side questioned the fundamental elements of the Agreement. In a letter to the UN Secretary-General in April 2007, the Turkish Cypriot leader sought to alter the agreed framework of the 8 July Agreement.

For the Government of Cyprus as well as for the United Nations, the 8 July Agreement procedure became the only way available leading to a mutually acceptable solution. However, its implementation was undermined by the prevarications of the Turkish side.

### *New initiatives in 2008 yield results*

In February 2008, the new President of the Republic of Cyprus, Demetris Christofias, immediately after his election, sought a meeting with the Turkish Cypriot leader. At their meeting on 21 March 2008, it was decided to set up working groups and technical committees and to draw up a list of issues to be considered. It was decided to hold a new meeting in three months to evaluate the progress in order to enable the start of direct negotiations, under the auspices of the Secretary-General of the UN. At the same time, it was decided to open the Ledra Street crossing point.

On April 3, 2008, the crossing point on Ledras Street was opened, while on April 18, six working groups and seven technical committees launched sessions. In the absence of progress justifying the resumption of negotiations, at the initiative of President Christofias, the two leaders met again on 23 May 2008, in the presence of UN Special Representative for Cyprus, Taya-Brook Zerihoun. The meeting reaffirmed the commitment to create a bi-zonal, bi-communal federation with single sovereignty, single international personality and single nationality, and political equality, as described in the resolutions of the Security Council of the UN. It was also agreed to seek the opening of other crossing points. Furthermore, the two leaders agreed to consider confidence-building measures.

On the 1st of July 2008, the two leaders revised for the first time the work of the working groups and technical committees. They also discussed the issues of sovereignty and citizenship, on which they agreed, as matters of principle. Details on their implementation would be discussed during the direct talks. In a new meeting on July 25, 2008, it was decided to start direct negotiations on September 3, 2008.

The new negotiation process aimed to find a solution "from the Cypriots for the Cypriots" on the basis of an agreement between the two leaders that would receive the approval of the people and which would guarantee the fundamental and legal rights and interests of Greek Cypriots and Turkish Cypriots. In joint statements, the two leaders reaffirmed their commitment to a bi-zonal, bi-communal federation, while agreeing on one single sovereignty, single citizenship, and single international personality of the Cyprus federation.

### *Negotiations leading to Crans Montana*

To emphasize his support for the peace negotiations, the Secretary-General of the United Nations paid a tripartite visit to Cyprus in early 2010. On April 18, 2010, Mehmet Ali Talat was succeeded by Dervis Eroglu as the leader of the Turkish Cypriot community. President Christofias and the new Turkish Cypriot leader had many unfruitful meetings until July 1, 2012, when Cyprus took over the Presidency of the Council of the European Union. Throughout the Presidency, the Turkish side refused to enter into talks despite assurances from the President that there was no impediment.

On February 11, 2014, the first official meeting of the new President of the Republic of Cyprus, Nicos Anastasiades, and the the Turkish Cypriot leader, Dervis Eroglu, took place under the auspices of the UN, which set the framework for the new negotiation process and reaffirmed the basic principles of the solution.

The launch of a new process of substantive negotiations renewed international interest, creating new positive momentum for resolving the problem. This was followed by three years of negotiations that led to significant progress. As a result, in June 2017, the UN Secretary-General, Antonio Guterres, convened a Conference on Cyprus in Crans Montana, Switzerland. The Conference was attended by the Republic of Cyprus, the Turkish Cypriot side with its new leader (since 2015) Mustafa Akinci, the three guarantor powers Greece, Turkey, and the United Kingdom, and the European Union as an observer. The Conference came to a standstill due to Turkey's insistence on the permanent presence of military troops in Cyprus and on maintaining its rights as a guarantor power.

Despite this negative development, the Cypriot government remained steadfastly committed to reaching a solution to the Cyprus problem through talks under the auspices of the United Nations. Despite the non-constructive attitude of Turkey, the Secretary-General of the United Nations appointed Jane Holl Lute as Special Adviser to resume the negotiation process. Successive rounds of contacts led to the meeting of the Secretary-General with the leaders of the two communities on November 25, 2019, in Berlin during which the leaders reaffirmed their commitment to reach a solution based on a bi-zonal and bi-communal federation with political equality, as defined in the relevant resolutions of the United Nations.

On 27-29 April 2021, the UN Secretary General convened the informal 5+1 meeting on Cyprus, in Geneva, with the aim to achieve a breakthrough for the resumption of a process of negotiations for a solution to the Cyprus problem. Unfortunately, the refusal of Turkey and of the leader of the Turkish Cypriot community to reaffirm their commitment to the agreed basis of a bi-zonal, bi-communal federation with political equality as defined in UN resolutions, their insistence on the equal status of the "two-states" as a precondition for the resumption of negotiations and their rejection of the Secretary-General's proposal for the appointment of a special envoy, led the effort to a deadlock.

Immediately upon assuming his duties as President of the Republic of Cyprus in March 2023, Nikos Christodoulides, has proclaimed as his absolute and predominant priority to exert every possible effort to break the current stalemate and resume negotiations in accordance with relevant UN Security Council resolutions, the EU acquis and previous convergences. To this end he stressed that the proposed solution should establish a functional state, without any foreign guarantees and without occupation troops under a constitutional framework allowing all citizens, Greek and Turkish Cypriots alike, to live in conditions of security, understanding, and in full respect of their fundamental rights.

The Government of the Republic of Cyprus has welcomed the appointment, in January 2024, of Maria Angela Cuellar Holguin as the Personal Envoy of the Secretary General for the Cyprus Problem. This constitutes a positive development, one that we hope can generate new momentum for a renewed effort leading to the resumption of the negotiations on the agreed basis.

The Government of the Republic of Cyprus stands ready to exert every effort for the resumption of the negotiation process based on the agreed basis for a solution which is a bi-zonal, bi-communal federation with political equality as set out in the relevant Security Council resolutions.

## *Cyprus and the European Union*

2024 marks the 20th anniversary of Cyprus' accession to the European Union. The Republic of Cyprus signed an Association Agreement with the European Economic Community (EEC) in 1972 and applied for membership in the European Communities in 1990. The European Commission issued a positive avis (opinion) in 1993 recognizing the importance of Cyprus' accession for the security and prosperity of the island and for the resolution of the Cyprus problem.

The European Council agreed in 1995 that accession negotiations with Cyprus would commence six months after the conclusion of the EU intergovernmental conference of 1996. At the European Conference in London, on 12 March 1998, the President of the Republic of Cyprus invited the Turkish Cypriot community to join the Cypriot EU negotiating team, but the Turkish Cypriot leadership rejected the invitation. By December 2002, all chapters in the negotiations with the EU were closed and the harmonisation process was completed.

Cyprus signed the Treaty of Accession in Athens on 16 April 2003, became a member of the EU on 1 May 2004, participated in the 2004 elections for the European Parliament, and joined the eurozone on 1 January 2008. Under Protocol 10 annexed to the Treaty of Accession, the application of the *acquis* in the areas of Cyprus occupied by Turkey would be suspended until the Cyprus problem was resolved. The same protocol stated the readiness of the EU "to accommodate the terms of such a settlement in line with the principles on which the EU is founded."

While the UN Secretary-General's mission of good offices has provided the framework for a negotiated settlement of the Cyprus problem, the EU has a central role in assuring that any proposed settlement conforms to its principles and legal norms.

Turkey's EU accession process and broader EU-Turkey relations also provide a comprehensive framework of obligations, the fulfillment of which can help address some of the thorniest aspects of the Cyprus problem, such as protection of human rights, non-intervention, the sovereignty of the Republic, and the functionality of government institutions.

Unfortunately, Turkey's unilateral declaration on the non-recognition of the Republic of Cyprus at the time of its ratification of the Additional Protocol to the Ankara Agreement, as well as its continuous refusal to fulfill its obligations stemming from the latter, raises serious questions about Turkey's compliance with EU norms and obligations and its intentions in the search for a viable settlement of the Cyprus problem. The EU responded to this unilateral declaration with a Declaration of its own calling on Turkey to comply with its obligations and has reiterated that position on several occasions to no avail.

Turkey still refuses access to its ports, airports, and air corridors to aircraft and ships from the Republic of Cyprus. This awkward and anomalous situation, where an EU candidate state refuses to recognize one of the EU member states.

The EU in December 2006 sanctioned Turkey by imposing a partial freeze on its accession talks for its non-compliance with respect to its obligations toward Cyprus. It was decided to suspend work in eight of 35 policy areas (Chapters) into which accession negotiations are divided. It was also agreed that negotiations on chapters not affected by this freeze should not be concluded until Turkey complies with its obligations related to the Additional Protocol.

Turkey's negative stance towards the Republic of Cyprus is also reflected in all European Commission Progress Reports on Turkey as well as in relevant European Council and Council Conclusions.

The 2023 Commission Report, among others, points out the following:

Turkey continued to refuse to recognise the Republic of Cyprus. Despite repeated calls by the Council of the EU and the European Commission, Turkey has yet to fulfil its obligations as outlined in the Declaration of the European Community and its member states of 21 September 2005 and in Council Conclusions, including those of December 2006 and December 2015. Turkey did not fulfil its obligation to ensure the full and non-discriminatory implementation of the Additional Protocol to the Association Agreement and did not remove all obstacles to the free movement of goods, including restrictions on direct transport links with the Republic of Cyprus...Turkey's military exercises in the maritime zones of Cyprus continued. Violations by Turkish unmanned aerial vehicles in the Lefkosia flight information region and the national airspace of the Republic of Cyprus also continued unabated. Turkey continued to increase the militarisation of the occupied area by upgrading the military drone base in Lefkoniko and the naval base in Bogazi. The harassment of Cypriot fishing vessels by Turkey also continued...Despite international condemnations, and the inadmissibility of the settlement of any parts of Varosha by people other than its inhabitants as stipulated in UNSC resolution 550 (1984), Turkey continued with its plan to open the entire fenced-off area of Varosha, creating a new fait accompli on the ground...

Turkey repeatedly advocated for a two-state solution in Cyprus, contrary to relevant UN Security Council resolutions. In November 2022, the so-called but not internationally recognised 'Turkish Republic of Northern Cyprus' was accepted as an observer in the Organization of Turkic States (OTS). This violates the principle of territorial integrity and the UN Charter. The EU recognises only the Republic of Cyprus as a subject of international law, in accordance

with the relevant UN Security Council resolutions and has stressed that any action to facilitate or assist in any way the international recognition of Turkish Cypriot secessionist entity severely damages efforts to create an environment conducive to resuming settlement talks under the auspices of the United Nations...

As emphasised in the Negotiating Framework and Council declarations, Turkey is expected to actively support the negotiations on a fair, comprehensive and viable settlement of the Cyprus problem within the UN framework, in accordance with the relevant UN Security Council resolutions and in line with the principles on which the EU is founded and the EU acquis. It is important that Turkey reaffirms its commitment to the UN-led settlement talks on Cyprus in line with the relevant UNSC resolutions, including their external aspects. No unilateral actions should be taken that could raise tensions on the island and prevent the resumption of talks. On Varosha, Turkey must immediately reverse the unilateral actions announced on 20 July 2021 and all steps taken since October 2020 that run contrary to the relevant UNSC resolutions. The EU underlines the importance of the status of Varosha and calls for full respect of UNSC resolutions (particularly resolutions 550, 789 and 1251).

Moreover, the European Council Conclusions of April 2024, reflecting the firm link between Turkey's stance on the Cyprus problem and progress on EU-Turkey relations, point out the following:

The European Council held a strategic debate on EU-Turkey relations, taking note of the Joint Communication of the High Representative and Commission on the state of play of EU-Turkey political, economic and trade relations. The European Union has a strategic interest in a stable and secure environment in the Eastern Mediterranean and in the development of a cooperative and mutually beneficial relationship with Turkey. The European Council tasks Coreper, respecting the competences of the relevant institutions, to advance work on the recommendations of the Joint Communication in line with previous European Council conclusions and in a phased, proportionate and reversible manner, subject to additional guidance from the European Council. Turkey's own constructive engagement will be instrumental in advancing the various areas of cooperation identified in the Joint Communication.

In this regard, the European Union attaches particular importance to resumption of and progress in the Cyprus settlement talks in further enhancing EU-Turkey cooperation. Recalling its previous conclusions, the European Council remains fully committed to a comprehensive settlement of the Cyprus problem, within the UN framework, in accordance with the relevant UNSC resolutions and in line with the principles on which the Union is founded and the acquis. The European Council welcomes the appointment of María Angela Holguín Cuéllar

as the UN Secretary-General's Personal Envoy on Cyprus. The European Union is ready to play an active role in supporting all stages of the UN-led process, with all appropriate means at its disposal.

### ***Conclusion***

The people of Cyprus still yearn for the reunification of their country. The Government of Cyprus is determined to continue its search for a viable and functional solution within the parameters of the UN resolutions as well as the new political context created by the accession of Cyprus to the EU, in order to safeguard the rights of all Cypriots. In this manner, all Cypriots will fully enjoy the benefits and advantages of EU membership and bring about the reunification of their country after five decades of division.

# Historical Background

## *From Independence to the Turkish invasion, 1960–1974*

Cyprus was proclaimed an independent, sovereign republic on 16 August 1960. The independence of Cyprus was based on the 1959 Zurich and London Agreements negotiated by Greece, Turkey and the United Kingdom. These agreements included a Constitution and three treaties: the Treaty of Guarantee, the Treaty of Alliance, and the Treaty of Establishment. These agreements ended 82 years of British rule following many years of a national liberation movement that included peaceful mass anticolonial protests and demonstrations, recourse to the United Nations for self-determination for the people of the island to decide their own future, and eventually a four-year armed struggle (1955–59).

Active opposition to colonial rule came from the Greek Cypriot community, whose majority at the time aspired to union of Cyprus with Greece. Turkey and the Turkish Cypriot leadership, on the other hand, prompted by the British, advocated partition of the island with a Turkish Cypriot sector uniting with Turkey. (These diametrically opposed visions were later specifically prohibited by the 1959 agreements that established Cyprus' independence). British rule did not encourage the emergence of a Cypriot national identity. Instead, Britain used the "divide and rule" policy as an instrument to control anticolonial sentiment on the island. It enlisted Turkish Cypriots on its side against the Greek Cypriot liberation movement, thereby planting the seeds of intercommunal discord and polarisation between Greek and Turkish Cypriots, a development that was to prove detrimental to their cooperation upon independence.

Although they eventually signed the Zurich and London agreements, the Greek and Turkish Cypriot communities had no serious role in their drafting or in the drafting of the Constitution for the new republic. In fact, the very people who would be affected the most by these elaborate documents were never given the opportunity to vote on them. In effect, both the agreements and the Constitution of the nascent republic were imposed on the people of Cyprus. As a result, the fate of the new republic was jeopardized in vitro.

Certain provisions of the agreements and the Constitution, rather than promoting peace through intercommunal solidarity and loyalty to a common state as well as respect for the sovereignty of the new republic, proved conducive to domestic conflict and foreign interference. It soon became clear that Cyprus was granted a fettered independence and dysfunctional constitutional arrangements. The Constitution itself emphasised differences between Greek

and Turkish Cypriots, thereby thwarting integrative tendencies and encouraging divisive behavior between the two communities.

The agreements provided for complex power sharing arrangements between the two communities (the Greek Cypriot numerical majority community of 82 percent of the population and the Turkish Cypriot numerical minority community of 18 percent of the population) and granted extraordinary veto powers to the Turkish Cypriot community. The three guarantor powers (Greece, Turkey and the United Kingdom) were given vaguely defined rights to interfere in Cypriot affairs under certain conditions. In addition, the United Kingdom retained "sovereign base areas" that amount to 2.7 percent of the territory of the island as well as important intelligence gathering facilities, while Greece and Turkey were to station small military contingents (numbering 950 and 650 troops respectively) on the island.

The divisive nature of the Constitution and the rigidity of its principal articles made the operation of a democratic government difficult and caused increasing acrimony between Greek and Turkish Cypriots. The Constitution soon proved unworkable. By 1963, a series of deadlocks over state budgets, taxation, municipalities, and other issues led to a constitutional crisis that threatened to paralyse the operation of the Government and the state<sup>4</sup>.\* The President of the Republic of Cyprus felt compelled to propose on 30 November certain constitutional modifications for discussion, which were intended to "remove obstacles to the smooth functioning and development of the state." The government of Turkey, however, outright rejected the suggested constitutional amendments. The Turkish Cypriot leadership followed suit and subsequently fell in line with Turkey's long-term policy to partition the island.

The Vice-President of the Republic of Cyprus, who was a Turkish Cypriot, declared on 30 December 1963 that the Cypriot constitution was dead and there was no possibility of Greek and Turkish Cypriots living and working together. "Call it partition if you like," he told the foreign media. The atmosphere on Cyprus became tense and volatile. Relations between the two communities deteriorated as a series of events snowballed into a crisis extending beyond the borders of Cyprus. Isolated minor incidents escalated into intercommunal clashes. Turkish Cypriots from around the island, under pressure from their leadership, started concentrating into certain areas, in line with Turkey's policy to form Turkish enclaves under its control in order to separate the two communities as a first step toward the partition of Cyprus along ethnic lines. The Turkish Cypriot Ministers withdrew from the Government, the Turkish Cypriot

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<sup>4</sup> See Stanley Kyriakides, *Cyprus: Constitutionalism and Crisis Government* (Philadelphia: University of Pennsylvania Press, 1968).

members of the House of Representatives withdrew from the Parliament, and Turkish Cypriot civil servants ceased to attend their jobs. Eventually, Turkish Cypriots withdrew from all state institutions and government agencies. There were flare-ups of intercommunal violence in 1963–64 and again in 1967. Turkey threatened to intervene militarily in Cyprus but international pressure prevented a military invasion in 1964 and 1967.

Following the threats by Turkey against Cyprus, the Government of the Republic of Cyprus brought the matter to the UN Security Council. The Security Council unanimously adopted resolution 186 of 4 March 1964, whose basic principles have guided international actions on Cyprus ever since. This resolution:

- Established the UN Secretary-General's mission of good offices aiming at a peaceful solution on the basis of an agreed settlement in accordance with the UN Charter
- Created UNFICYP, the UN peacekeeping force on Cyprus
- Reaffirmed the sovereignty and continuing existence of the Republic of Cyprus
- Reaffirmed the continuity of the Government of the Republic of Cyprus.

Despite calls by the Security Council to respect the sovereignty and territorial integrity of the Republic of Cyprus and to abstain from the threat or use of force against it, Turkey's air force bombed Cypriot villages in August 1964.

On 26 March 1965, UN mediator Dr Galo Plaza issued one of the most significant reports ever to be prepared on Cyprus (S/6253). The Plaza report considered the 1959 arrangement as "a constitutional oddity;" questioned the functionality of federalism demanded by the Turkish side due to the hardship and inhumane nature inherent in population movements; was critical of disproportionate minority vetoes; and perceived the protection of the rights of minorities to be in international instruments such as the European Convention. Arguing strongly against the geographical separation of the two communities advocated by the Turkish side, Dr Plaza stated that:

If the purpose of a settlement of the Cyprus question is to be the preservation rather than the destruction of the state and if it is to foster rather than to militate against the development of a peacefully united people, I cannot help wondering whether the physical division of the minority from the majority should not be considered a desperate step in the wrong direction.

Turkey instantly rejected the report and its recommendations and declared that it would not deal with the UN mediator. UN mediation came to an end, and thereafter the UN involvement in the Cyprus peace process has been conducted under the Secretary-General's good offices.

The UN Secretary-General in his Report S/6426, of 10 June 1965, described the policy of the Turkish side at the time as follows:

The Turkish Cypriot leaders have adhered to a rigid stand against any measures which might involve having members of the two communities live and work together, or which might place Turkish Cypriots in situations where they would have to acknowledge the authority of the Government agents. Indeed, since the Turkish Cypriot leadership is committed to physical and geographical separation of the communities as a political goal, it is not likely to encourage activities by Turkish Cypriots which may be interpreted as demonstrating the merits of an alternative policy. The result has been a seemingly deliberate policy of self-segregation by the Turkish Cypriots.

The Government of Cyprus took various measures to restore normalcy on the island. These steps resulted in the elimination of intercommunal violence and dramatic reduction of tensions between the two communities. The Government also offered economic incentives to Turkish Cypriots, who had been forced by their leaders to move to Turkish controlled enclaves, to return to their homes. The Turkish side did not reciprocate, maintaining, instead, roadblocks in order to keep Greek Cypriots from Turkish enclaves.

In 1968, the Government initiated talks with the Turkish Cypriot leadership under UN auspices for a negotiated agreement on a more functional constitutional system for the Republic of Cyprus. These talks had achieved considerable progress and, according to some reports, were close to success, when they were interrupted by the tragic events of 1974.

### *Turkish military invasion and occupation*<sup>5</sup>

The coup staged by the Athens' junta against the elected government of President Makarios on July 15, 1974, served Turkey as a pretext to impose its divisive plans against Cyprus. On July 20, 1974, Turkey invaded Cyprus, violating all rules of international law, including the Charter of the United Nations. The illegal Turkish invasion was carried out in two phases. During the second phase, Turkey took the city of Ammochostos, under its control and illegally occupies over 36% of the territory of the Republic of Cyprus ever since.

As a result of the Turkish military invasion and occupation, approximately 200.000 Greek Cypriots fled their homes becoming refugees in their own country. To this day the occupying forces

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<sup>5</sup> See Appendix 3.

impede the return of refugees to their homes and property. By the end of 1975, the vast majority of Turkish Cypriots living in areas controlled by the legitimate government were forced to leave their homes and move, owing to Turkey's coercive policy, to the Turkish-occupied territory of the Republic of Cyprus.

In full accordance with Turkey's stated goal of partition and national segregation on the island, on 15 November 1983, the occupying regime unilaterally declared the so-called "Turkish Republic of Northern Cyprus", an act which was condemned by the international community as legally invalid. In particular, the United Nations Security Council, in resolution 541 (1983), rebuked this declaration, declared it legally invalid, and called for its reversal. The Security Council called on all states to respect the sovereignty, independence, territorial integrity, and non-alignment of the Republic of Cyprus and not to recognise any Cypriot state other than the Republic of Cyprus. Seriously concerned by the further separatist actions in the occupied part of the Republic of Cyprus, in violation of resolution 541 (1983), such as the so-called exchange of ambassadors between Turkey and the legally invalid entity and the planned conduct of a "constitutional referendum" and "elections", as well as the threats of illegal settlement of Varosha and other actions aimed at further consolidating the division of Cyprus the Security Council adopted resolution 550 (1984) reaffirming resolution 541 (1983) and reiterated its call on all states not to recognise the entity established by the separatist actions and at the same time called on them not to facilitate or in any way assist the separatist entity. At the same time, the Security Council described as unacceptable the attempts for the settlement of any part of Varosha by any persons other than its legal residents and called for the transfer of the area under the United Nations administration.

From a humanitarian point of view, the most tragic consequence of the Turkish invasion of Cyprus in the summer of 1974 is the missing persons. During and after the Turkish invasion, thousands of Greek Cypriots were arrested and held in concentration camps in Cyprus by Turkish soldiers and paramilitaries, operating under the Turkish army. Also, more than 2,000 prisoners of war had been illegally transferred and held in prisons in Turkey. Some of them are still missing today. Hundreds of other Greek Cypriots, both soldiers and civilians (including seniors, women, and children) have disappeared in Turkish-occupied areas and their fate is still unknown. In all these cases there are well-documented testimonies that the missing persons were last seen alive at the hands of the Turkish army or paramilitary groups, acting under the direction and responsibility of the Turkish occupying forces. According to the latest data issued by the Committee on Missing Persons in Cyprus (CMP) there are currently 758 Greek Cypriots that are still missing, the whereabouts of whom have yet to be determined.

In its Judgment on the 4th Interstate Application of Cyprus v. Turkey on May 10th, 2001, the EctHR found a continuing violation of Article 2 on account of the failure of the authorities of the respondent state to conduct an effective investigation aimed at clarifying the whereabouts and fate of Greek Cypriot missing persons who disappeared in life-threatening circumstances, continuing violation of Article 5 (right to liberty and security) and a continuing violation of Article 3 of the Convention (inhuman or degrading treatment) in respect of the relatives of the Greek Cypriot missing persons (on the effect which the lack of information had on the families of missing persons).

Turkey needs to intensify its efforts, including by substantially providing the CMP with all necessary assistance so that it can achieve tangible results as quickly as possible; and provide all members of the CMP with all documentary evidence and information from all their relevant archives, including military archives and immediate and unhindered access to all military areas in Cyprus, to take concrete positive measures to protect and safeguard known burial sites and any areas which could contain the remains of missing persons, including relocated remains and civilian areas, as well as to avert any future relocation of remains and disturbance of burial sites, including with the establishment of a mechanism to ensure the protection of all such sites and areas. Information from military archives is vital for CMP to be able to determine burial sites, and in particular mass graves as well as sites where remains were deliberately relocated, especially during the 1990s. Despite repeated calls on Turkey to provide information to CMP in relation to the new locations of relocated remains, Turkey continues to deny the provision of and/or access to any relevant information. Passage of time is a factor that cannot be ignored with regards to the humanitarian issue of missing persons in Cyprus and Turkey's cooperation is a sine qua non for progress on the matter. Turkey has an obligation to comply with the ECHR Judgment and respect international humanitarian and human rights law.

### ***Enclaved Greek Cypriots***

20,000 Greek Cypriots and Maronites chose not to leave their homes despite the Turkish occupation. Most of those who remained, mainly on the Karpasia Peninsula, were gradually forced to abandon the area. The number of enclaved Greek Cypriots and Maronites currently living in the area has plummeted to 331 persons. This dramatic decrease in the number of enclaved people is striking considering that based on the agreement reached in Vienna on 2 August 1975, the Turkish side would have to provide the enclaved population with "every help to lead a normal life, including facilities for education and the practice of their religion, as well as medical care by their doctors of preference and freedom of movement in the North". In breach of this agreement, on a practical level, the Turkish side subjected the

enclaved to constant harassment, restrictions on movement, denial of access to adequate medical care, denial of adequate facilities for education, especially beyond elementary education, restrictions on the right to use their property and the free exercise of their religious rights. It was, thus, a deliberate policy of national cleansing, forcing the enclaved to flee their homes.

### ***Settlement***

At the same time, Turkey has implemented a systematic policy of settlement of the occupied part of Cyprus since 1974 with the mass transfer of more than 160,000 Turks from Turkey in order to change the demographic profile and alter the population balance on the island.

It should be stressed that the transfer of own civilian population into occupied territory constitutes a violation of international law. Specifically, Article 49 (6) of the Fourth Geneva Convention of 1949, the sixth paragraph of Article 49 of the Fourth Geneva Convention states: The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies. This policy, together with driving the Greek Cypriot inhabitants out of the region, the destruction of the cultural heritage, and the illegal change of geographical place names in the occupied part of Cyprus, aims at the elimination of every single, centuries-old Greek and Christian element, and eventually the "turkification" of the region. It also aims to change the balance of power and the social fabric in the occupied part of Cyprus, to ensure that the Turkish Cypriot leadership conforms to the policies of the Turkish government. With the mass migration of Turkish Cypriots from the occupied territories, the total number of Turkish soldiers and settlers is now greater than the remaining Turkish Cypriots.

### ***Freedom of opinion and expression***

A number of recent cases of persecution against Turkish Cypriot journalists by the Turkish state, as part of Turkey's well-orchestrated policy to impose further restrictions and censorship to media and journalists, thus undermining the freedom of expression in the occupied part of Cyprus, are indicated below:

For instance, the insistence of the Turkish Government to persecute Şener Levent, a Turkish Cypriot journalist and the chief editor of the newspaper "Afrika'/Avrupa". He had been put on trial in Ankara for an article entitled "The Kurds and us", in which the Criminal Court in Turkey judged he had insulted Turkish President Erdogan. In total, three lawsuits were filed against Sener Levent at the so called "District Court" in the occupied part of Lefkosia, conveyed by Ankara's Criminal Court on charges of insulting President Erdogan.

Another example is the Turkish Cypriot journalist and President of the Turkish Cypriot Press Workers Union, Ali Kismir. He had charges pressed against him by the so-called authorities of the secessionist entity in the occupied areas of Cyprus, for allegedly insulting “TRNC security forces command” in an article he wrote in 2021.

### ***Destruction of cultural heritage***

As a result of the Turkish invasion of 1974 the rich cultural heritage of the occupied part of the island has suffered considerable damage and is in danger of complete destruction. Press reports and testimonies show that more than 500 Greek Orthodox churches and chapels and 17 monasteries that are located in towns and villages of the occupied part of the island have been pillaged, deliberately vandalised or torn down. Many Christian places of worship have been converted into mosques, depots of the Turkish army, stockyards and hay barns. This fact clearly proves that the religious heritage in the occupied areas has been the target of the occupation regime as part of its policy to eradicate the cultural character of the area. Moreover, important cultural monuments and places of worship continue to be completely inaccessible because they are located within the “military zones” of the Turkish occupation army.

The whereabouts of the ecclesiastical items of these churches, estimated to 20,000, remain unknown. The Cyprus Police estimates that since 1974 more than 60,000 cultural artifacts have been illegally transferred to different countries around the world. The most significant and priceless icons came in possession of auction houses and were illegally sold by art dealers abroad.

The destruction is not limited to the monuments belonging to the Church of Cyprus, but also extends to religious monuments belonging to the Orthodox Patriarchate of Jerusalem and to the Armenian, Maronite and Catholic Churches of Cyprus, as for example the Armenian Monastery Sourp Magar in Halefka and the Maronite Monastery of Prophet Elias in Skylloura. For example, in September 2023 the occupying forces have transformed the restored by its parishoners Agia Anna church in occupied Kythrea into a boxing ring.

Turkey, as a state party to the 1954 Hague Convention for the Protection of Cultural Property During Armed Conflict, is required to refrain from acts of hostility and damage against cultural property situated in the northern part of Cyprus. Article 4(3) specifically stipulates that the Contracting Parties undertake to prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of, and any acts of vandalism directed against, cultural property.

### ***Freedom of religion or belief and cultural rights***

The secessionist regime denies the exercise of religious rights through the continuous "rejection" of requests from the occupied communities to hold mass in the occupied areas as well as through the systemic "rejection" of the appointment of priests to the enclaved communities.

### ***Property Rights***

In 1974 Turkish armed forces expelled and continue to prevent more than approximately 200.000 displaced persons from returning to their homes and to peacefully enjoy their properties.

Turkish authorities have adopted and systematically apply a policy of unlawful exploitation of Greek Cypriot properties in the occupied part of Cyprus. This has now taken an unprecedented form of industrial proportions with large-scale development of housing units and complexes, villas and hotels, many of which have been illegally "transferred" to foreigners and have been built upon without the lawful owner's consent.

United Nations Security Council resolutions 541 (1983) and 550 (1984), call upon all states to respect the sovereignty, independence and territorial integrity of the Republic of Cyprus and not to recognise any other state in Cyprus or assist the secessionist entity in any way. As such, the illegal secessionist entity in the occupied area of Cyprus does not have jurisdiction to perform valid transfers of property ownership.

The European Court of Human Rights, in its Judgment of 18 December 1996, on the individual application of the Greek Cypriot displaced owner from Kyrenia, Ms Titina Loizidou, against Turkey, and in the Fourth Interstate Application of Cyprus against Turkey of 10 May 2001, upheld the rights of the refugees to their properties.

The European Court of Human Rights, in its Judgment of 10th May 2001 following the Fourth Interstate Application of Cyprus v. Turkey, in respect of the rights of the displaced, found that there is a continuous violation of Article 8 of the ECHR, due to Turkey's refusal to allow displaced persons to return to their homes in the occupied part of Cyprus. It further held that there is a continuing violation of Article 1 of Protocol No. 1, by virtue of the fact that the Greek Cypriots owners of property are being denied access, control, use and enjoyment of their property, as well as any compensation for the interference with their property rights.

In the subsequent, Cyprus v. Turkey just satisfaction judgment of 2014, the ECtHR made it abundantly clear that the Committee of Ministers must ensure Turkey's compliance. In specific, the ECtHR expressly held that Turkey has not complied with the principal judgment

yet and in any case “such compliance, could not be consistent with any possible permission, participation, acquiescence of other form of complicity in any unlawful sale or exploitation of Greek Cypriot homes and property in the northern part of Cyprus”.

Moreover, under the laws of the Republic of Cyprus, the use of property registered in the name of another individual, constitutes a criminal offence. The commission of this offence could lead to the issuance of a European arrest warrant, enforceable in any of the 26 EU countries, as well as an international arrest warrant.

### ***Violation of the status quo in the buffer zone***

Over the years, there have been frequent provocations, violations as well as attempts of incursion by the Turkish occupation forces into the buffer zone in a number of areas along the Turkish forces ceasefire line.

Such attempts aim to create new faits accomplis, raise tensions and undermine both the sense of security of the people as well as efforts for the resumption of negotiations.

In August 2023 the Turkish occupation forces embarked on a serious attack and exercise of physical violence against UN Peacekeepers in the buffer zone in the vicinity of the village of Pyla, with the aim to acquire military advantage and to place a large area within the buffer zone under its military control.

In the following months, this was followed by other provocative actions in areas such as Agios Dometios and Denia.

The Secretary General recorded in his Report of January 3, 2024 the concerning trend of “move forward” violations and claims to parts of the buffer zone by the Turkish forces. This trend was notably observed around an abandoned house in the buffer zone known as “Maria’s House”, adjacent to a Greek Cypriot residential area in Lefkosia. From August to November, 43 move forward violations by Turkish Forces were recorded.

### ***Varosha***

The relevant UN Security Council resolutions with respect to Varosha, in particular resolution 550 (1984) and resolution 789 (1992), consider attempts to settle any part of Varosha by people other than its inhabitants as inadmissible, and which call for the transfer of that area to the administration of the United Nations. No actions should be carried out in relation to Varosha that is not in accordance with those resolutions. Full respect for and implementation of UN Security Council Resolutions also requires an immediate end to restrictions imposed on the freedom of movement of the United Nations Peacekeeping Force in Cyprus in the

Varosha area. Turkey continues to claim the fenced area of Varosha 'as part of the TRNC', in violation of the UN Security Council resolutions calling for the return of the city to its lawful inhabitants under UN control.

Since October 2020, Turkey and the illegal secessionist entity have been implementing their plans for "opening" of the entire fenced-off area of Varosha, creating thus a new fait accompli on the ground. As President Erdogan publicly announced during his illegal visit to Cyprus on June 12, 2023, Turkey will proceed with the construction of 1192 houses in Deryneia area, an area adjacent to the fenced-off area of Varosha.

Moreover, plans have been announced for the construction of a marina. Despite the repeated calls from EU and UN, Turkey and the secessionist regime continue their illegal plans for financially exploiting Varosha by opening new parts of the fenced off area, acting in full breach of relevant UNSC resolutions.

These steps obviously reveal that the "opening" of the entire fenced-off area of Varosha by Turkey is only a matter of time. The stated aim of Turkey and the secessionist regime is to alter the status quo in Varosha. The continuation of this course is also a clear manifestation of Turkey's deliberate policy to undermine the prospect of resuming negotiations and reaching a comprehensive settlement of the Cyprus problem on the basis of a bi-zonal, bi-communal federation as prescribed in the United Nations Security Council resolutions.

The UN continue to hold the Government of Turkey responsible for the situation in Varosha. The UNSC, in its resolution 2723 (2024) on the renewal of UNFICYP's mandate, emphasises that "any further unilateral action may prompt a response from the Security Council and continues to stress the need to avoid any unilateral actions that could raise tensions on the island and undermine the prospects for a peaceful settlement". Furthermore, the Security Council, reiterates its firm position regarding the status of the fenced-off area of Varosha, in accordance with the relevant resolutions and its Presidential Statement (A/PRST/2021/13) and calls for the immediate reversal of any action which is not in accordance with these resolutions.

### *Our vision for a reunified Cyprus*

The solution to the Cyprus Question is sought through peace talks held under the auspices of the United Nations as part of the UN Secretary-General's good offices mission.

The aim is to reach a comprehensive and lasting solution in accordance with the Charter and the relevant resolutions of the United Nations, which will lead to the transformation of the unitary State into a bicomunal, bizonal federation with a single sovereignty, single citizenship and single international personality, with political equality as set out in the relevant UN Security Council resolutions.

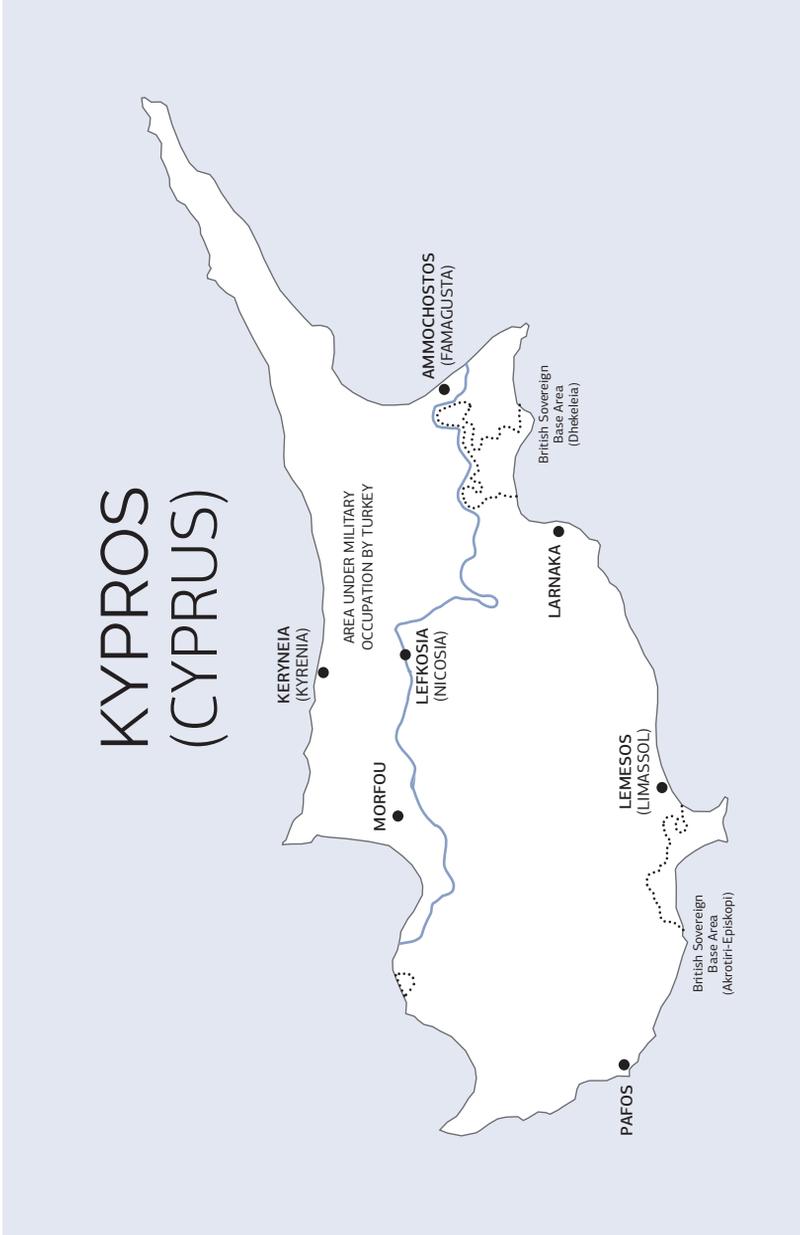
The solution must provide for the complete withdrawal of all foreign troops, the abolition of the anachronistic guarantee system, the withdrawal of the settlers and the guarantee of the human rights and fundamental freedoms of all Cypriots. It must further guarantee the unity of the State, institutions, society and the economy and must be in line with the European acquis and fully respect the principles on which the European Union is founded.

We envision a free and reunified Cyprus, a common homeland of Greek-Cypriots, Turkish-Cypriots, Armenians, Maronites and Latins (Roman Catholics), a model of peaceful coexistence and prosperity for all its citizens and a pillar of stability, peace and security in the Eastern Mediterranean.

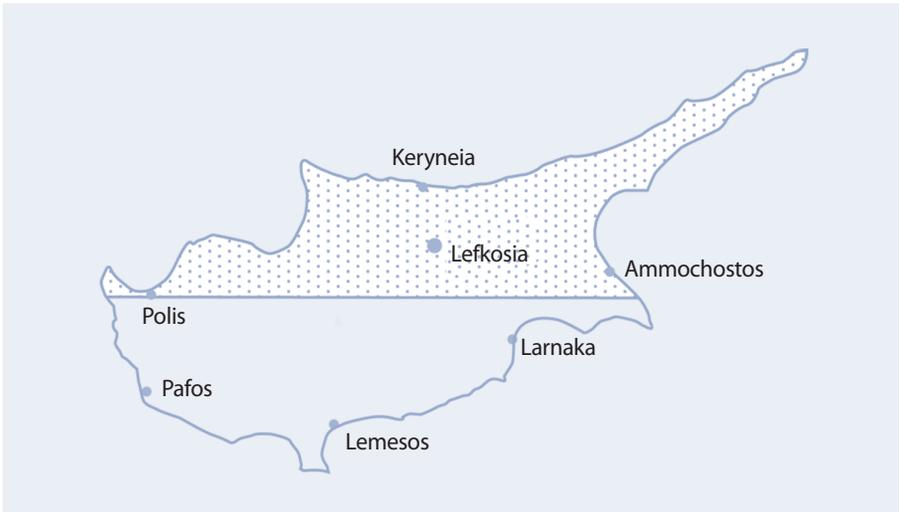
# Maps



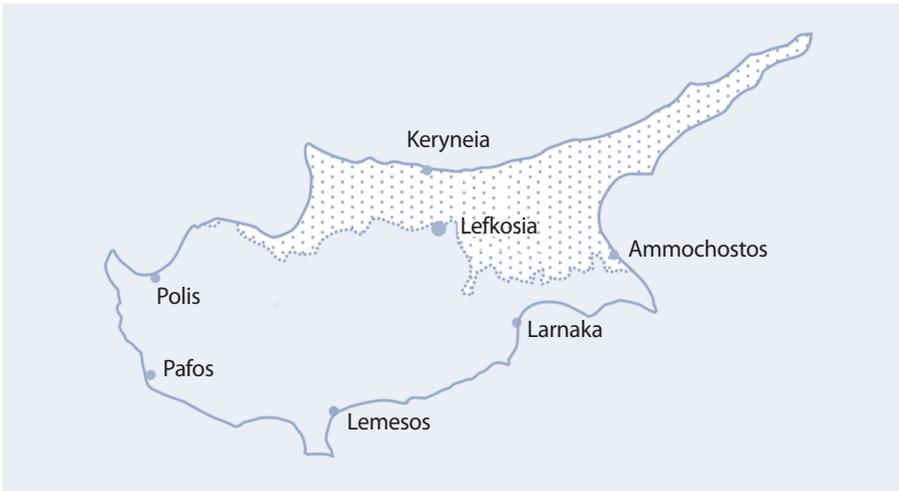
27 EU Member States



Map showing the 1974 UN ceasefire line across the Republic of Cyprus and the areas of the Republic of Cyprus under military occupation by Turkey.



Partition of Cyprus as suggested in 1957 by Turkish Cypriot leader, Dr Fazil Kuchuk, in his pamphlet "The Cyprus Question: A Permanent Solution," along the line shown on the map. The proposed "Turkish part" is the shaded area in the north of the island.



The dividing line as established by Turkey's invading army in 1974. The shaded area in the north is still under military occupation by Turkey.

# Appendices

## *1. Policy initiatives for Turkish Cypriots*

While actively searching for a solution to the Cyprus problem, the Government introduced, as of 30 April 2003, a series of policy initiatives in order to provide Turkish Cypriots, who reside mainly in the occupied areas, the opportunity to enjoy, to the extent possible under the current circumstances, the rights and benefits the Cyprus Republic offers to its citizens. The implementation of these initiatives and confidence-building measures takes place within the context of the laws of the Republic of Cyprus, international law, and the EU *acquis communautaire*.

The Government initiatives concern, among others:

- Movement of goods, persons and vehicles
- Employment of Turkish Cypriots in the government-controlled areas
- Professional training of Turkish Cypriots and their participation in international athletic and other events abroad
- Issuing of official certificates and other documents such as passports and identity cards of the Republic of Cyprus to Turkish Cypriots
- Protection of the cultural heritage of Turkish Cypriots
- Clearing of the minefields inside the buffer zone along the UN ceasefire line; and
- Assistance to the relatives of the Turkish Cypriot missing persons and non-combatants killed during the 1963–67 period and in 1974.

The Government pays social insurance pensions, grants, allowances and other benefits to qualified Turkish Cypriots and provides free medical treatment to thousands of Turkish Cypriots each year. Turkish Cypriots working in the government-controlled areas receive hundreds of thousands of euro in income, while Greek Cypriots crossing into the occupied territories spend million of euro there. Finally, for decades, the Cyprus Electricity Authority had also provided free electricity to the Turkish Cypriot community in the occupied areas. For the period 1974–2024, over 300 million euro worth of electricity was supplied to Turkish Cypriots. Water was also supplied.

The increase in the economic activity across the ceasefire line since 2003 has been a major factor in the rise of the per capita income of the Turkish Cypriots that has more than doubled in the last few years. In addition, up until November 2011, over 101.000 Turkish Cypriots have acquired official Republic of Cyprus birth certificates; over 93.000 have acquired identity cards; and over 63.000 have acquired passports.

To help promote reunification and reconciliation, the Government, despite the obstacles put forward by the Turkish side, has consistently pursued policies for improving the economic situation of the Turkish Cypriots. It is in this spirit that it consented to the EU Regulation on Financial Assistance of two hundred and fifty nine million euro to benefit the Turkish Cypriot community. To facilitate the allocation of aid to Turkish Cypriots, the Government, in March 2008, withdrew its appeal to the Court of Justice of the European Communities for the annulment of bids submitted in relation to provisions of the EU Regulation, after the European Commission amended the relevant misleading text.

In July 2004, the Government also proposed additional measures including the extension of the clearing of minefields in the buffer zone in cooperation with the UN. Although the Turkish side has not yet fulfilled all its obligations in this regard, the Government, in its efforts to ease tensions and create a better political climate, proceeded unilaterally with the clearing of its minefields inside the buffer zone. With the destruction of the last antipersonnel mine on 10 July 2007, Cyprus fully met its obligations under the Ottawa Convention.

In addition, the Government offered to provide special arrangements for Turkish Cypriots to use the port of Larnaka for the export of their products. It has further proposed the lawful operation (by both Greek and Turkish Cypriots) of the Ammochostos port under the supervision of the EU, provided that the area of Varosha is returned to its Greek Cypriot legal inhabitants in line with the relevant UNSC resolutions.

Moreover, on 26 January 2024, the Government announced a set of 14 measures concerning a wide range of actions which positively impact the daily life of our Turkish Cypriot compatriots.

The measures have been formulated following an assessment of all relevant parameters and will be implemented in line with national law, international law, and the European Union (EU) acquis.

Specifically, the 14 measures are:

1. Examination of all pending applications for the granting of Cypriot citizenship in the framework of the decision by the Council of Ministers of February 2007.
2. The payment of widow pensions to entitled beneficiaries.
3. Access to clinical services of the Cyprus Institute of Neurology and Genetics.
4. Provision of emergency and urgent pharmaceutical needs.
5. Expansion of the list of goods in the framework of the Green Line Regulation with the addition of 6 specific products.
6. Access to human resources programmes in the framework of the action plan for the European Year of Skills.
7. Access to vocational programmes by the Productivity Centre, as well as to training seminars on issues relating to the EU acquis.
8. The right to acquire a Youth Culture Card upon the completion of 18 years of age.
9. Increase of staffing at the crossing points.
10. Widening of the crossing point at Agios Dometios.
11. Measures for the rapid crossing of students at the Ledra Palace checkpoint.
12. Hiring of staff with knowledge of the Turkish language at the Nicosia Citizen Service Centre.
13. Safeguarding the continuation of the smooth operation of the Mia Milia water waste unit.
14. Facilitation for access to Muslim monuments in the government-controlled areas.

The Government's overall constructive approach toward the Turkish Cypriots, both unilaterally and through the EU, is designed to foster cooperation and trust between the two communities. The Government will continue to promote reconciliation and reintegration through tangible means, thereby paving the way for a comprehensive and viable solution to the Cyprus problem.

## 2. Important legal decisions on the Cyprus question<sup>6</sup>

### ▶ **Cyprus v. Turkey (6780/74) and (6950/75)–European Commission of Human Rights, 1976**

In a joint report (1976) under former article 31 of the European Convention, Turkey was found to have violated articles 2 (right to life), 5 (liberty and security of the person), 8 (respect for private and family life, home, etc), 13 (effective remedies for violations of rights and freedoms), and article 1 of Protocol 1 (peaceful enjoyment of possessions). On 20 January 1979, the Committee of Ministers adopted resolution DH (79) calling for the enduring protection of human rights through intercommunal talks leading to a solution of the dispute.

### ▶ **Cyprus v. Turkey (8007/77)–European Commission of Human Rights, 1983**

The Commission, under former article 31 of the European Convention, found Turkey in breach of its obligations under article 5 (liberty and security of the person), article 8 (respect for private and family life, home, etc) and article 1 of Protocol 1 (peaceful enjoyment of possessions). On 2 April 1992 the Committee of Ministers adopted resolution DH (92)12 in respect to the Commission's Report and made the 1983 report public.

### ▶ **Autocephalous Greek Orthodox Church of Cyprus v. Goldberg & Feldman Fine Arts Inc., 917 F.2d 278, US Court of Appeals for the 7th Circuit, Decision of 24 October 1990**

By its decision, the Federal Circuit Court of Appeals affirmed the verdict of 3 August 1989 of the US District Court in Indianapolis. The case involved the ownership of plundered sixth-century mosaics from the Church of Kanakaria in the occupied part of Cyprus. The mosaics had been removed by Turkish antiquities smugglers and sold to an American art dealer for \$1.2 million. The mosaics were returned to their legitimate owner, the Church of Cyprus. This decision set an important precedent in the US for the protection of cultural property. Even though it has ratified the 1954 and 1970 UNESCO conventions on the protection of cultural property, Turkey has done little to stop the vandalism, destruction and plunder of Greek Cypriot cultural property in areas controlled by the Turkish army.

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<sup>6</sup> See Van Coufoudakis, *Human Rights Violations in Cyprus by Turkey*, Third Edition, (Nicosia: Press and Information Office, Republic of Cyprus, 2009).

▶ **Court of Justice of the European Communities–Case C-439/92, 5 July 1994**

The Court ruled that only import and phytosanitary certificates issued by the competent authorities of the Republic of Cyprus could be accepted by the European Community member states. The ruling acknowledged that the only Cypriot state recognised by the European Community is the Republic of Cyprus. Import and phytosanitary certificates issued by Turkish Cypriot “authorities” are excluded because the “entity such as that established in the northern part of Cyprus...is recognised neither by the Community nor by the member states.”

The Court of Justice looked into the matter at the request of Britain’s High Court following a case filed in the United Kingdom by Cypriot exporters of citrus fruit and potatoes. The High Court requested an interpretation of relevant provisions of the EC-Cyprus Association Agreement of 1972 and of the EC Council Directive 77/93/EEC. Britain’s High Court affirmed the Court of Justice decision in November 1994. This important decision recognised the sovereignty of the Republic of Cyprus over the whole of the island with regard to its relations with the European Community.

▶ **Loizidou v. Turkey, European Court of Human Rights, 18 December 1996 and 28 July 1998**

The European Court of Human Rights found that the applicant, Ms Titina Loizidou, a citizen of the Republic of Cyprus, remained the legal owner of her property that was located in the areas occupied by the Turkish army. The Court made three judgments: on preliminary objections (23 March 1995); on the merits of the case (18 December 1996); and on “just satisfaction” (28 July 1998). In a precedent-setting decision, the Court regarded Turkey as an occupying power responsible for the policies and actions of the authorities in the occupied areas. The Turkish Cypriot “authorities” were described as Turkey’s “subordinate local administration.”

Turkey was found in breach of article 1, Protocol 1 of the Convention by its continuous denial to the plaintiff of access to her property and by its purported expropriation without compensation. On 28 July 1998 the Court ordered Turkey to pay damages to Ms Loizidou. Turkey’s refusal to comply with the judgment resulted in resolutions by the Council of Ministers of the Council of Europe. These resolutions deplored Turkey’s non-compliance, reminded Turkey of its acceptance of the Convention and of the Court’s compulsory jurisdiction, and called on the Council to take appropriate steps to enforce compliance. With decisions pending on Turkey’s EU application and under the threat of sanctions, Turkey, in December 2003, did pay the sum of 641.000 Cyprus pounds (approximately \$1.5 million), to Titina Loizidou. However, Turkey has not taken any steps leading to the restitution of Ms Loizidou’s property.

► **Cyprus v. Turkey, Application No. 25781/94 European Court of Human Rights, 10 May 2001**

This is the most far reaching decision on the applications filed by the Government of the Republic of Cyprus against Turkey. The decision affirmed the earlier interstate applications by Cyprus under former article 31 of the Convention (10 July 1976 and 4 October 1983). The earlier cases had documented various violations of the Convention by Turkey since the 1974 invasion.

By majority votes this decision determined:

- That Turkey was in continuing violation of articles 2, 3, and 5 of the Convention by its failure to conduct effective investigations into the whereabouts and the fate of Greek Cypriot missing persons.
- That by its refusal to allow any Greek Cypriot displaced persons to return to their homes, Turkey was in continuing violation of article 8 of the Convention. Similar continuing violations were found on article 1, Protocol 1 (denial of access, control, use, enjoyment of property rights); and article 13 (absence of effective remedies for the property rights of displaced Greek Cypriots).
- Turkey violated the rights of Greek Cypriots living in “northern” Cyprus; this includes violations of article 9 (respectful treatment); article 10 (censorship of school books); article 1, Protocol 1 (right to peaceful enjoyment of possessions); article 2 (no appropriate secondary school facilities); article 3 (discrimination amounting to degrading treatment); article 13 (absence of remedies).
- Violation of Turkish Cypriot rights in the occupied areas under article 6 (trial of civilians by military courts).

In addressing the case, the Court also affirmed the *Loizidou v. Turkey* case (1996 and 1998); the illegality of the proclamation of the so-called “TRNC” in 1983 and its “constitution” (1985); and the earlier decisions on the interstate applications filed by the Republic of Cyprus (6780/74, 6950/75 and 8007/77). The Court held Turkey responsible for all these violations as it had “effective overall control of northern Cyprus.” The Court also affirmed that the Government of the Republic of Cyprus was the sole legitimate government on the island.

► **The case of Varnava and Others v. Turkey, European Court of Human Rights, 10 January 2008**

On 10 January 2008, the European Court of Human Rights (ECHR) delivered its judgment in the case of *Varnava and Others v. Turkey* (Applications nos. 16064/90, 16065/90, 16066/90, 16068/90, 16069/90, 16070/90, 16071/90, 16072/90 and 16073/90) by which Turkey was

found guilty of violating the rights of nine Greek Cypriot missing persons and their relatives. The nine were combatants, except for Savvas Hadjipanteli whose remains have been identified. They were all seen alive after their capture by the Turkish army in Cyprus and also in Turkey where they had been transported as prisoners of war.

The seven-judge panel of the ECHR's Third Section, with only the judge from Turkey dissenting, held Turkey responsible for the violation of the following articles 2,3 and 5 of the European Convention on Human Rights.

In its decision, the ECHR stressed that Turkey was obliged under international treaties to respect the wounded, prisoners of war, and civilians; specifically under the European Convention of Human Rights, it was obliged to take reasonable steps to protect the lives of those not, or no longer, engaged in hostilities. The judgment also rejects outright the Turkish position that the persons who disappeared during the 1974 Turkish invasion, and are still missing, should be presumed dead. Regarding the relatives of those who disappeared while under Turkey's custody, the ECHR observes that they "must have undoubtedly suffered most painful uncertainty and anxiety and furthermore their mental anguish did not vanish with the passing of time."

▶ **Apostolides v. Orams (Case No: A2/2006/2114), British Court of Appeal (Civil Division), 19 January 2010**

The British Court of Appeal ruled that a decision by a Cypriot Court, in connection with claims relating to Greek Cypriot owned property in the areas of Cyprus occupied by Turkey, must be executed.

The decision came after an appeal by the Orams couple to the British Court of Appeal on a decision by a Cypriot Court ordering the Orams to pay compensation to Apostolides, demolish the holiday home they had built on his property in the village of Lapithos occupied by Turkey, halt all intervention on the said property and deliver it to its legal owner. Meletis Apostolides had taken the Orams couple to court, claiming his property rights over his property in the occupied area where the Orams had built, illegally, a holiday home.

▶ **European Court of Human Rights Decision on the Application of "Demopoulos v. Turkey and 7 Others"; 5 March 2010**

The European Court of Human Rights (ECHR) delivered its decision on the case of "Demopoulos v. Turkey and 7 Others" that the so-called immovable property commission (IPC), which was set up in the areas of Cyprus occupied by Turkey, constitutes an effective domestic remedy. The decision clarifies that the IPC constitutes a domestic remedy of the Government of Turkey and not of the illegal regime in occupied Cyprus.

According to the Court's decision, Greek Cypriots will first have to resort to the IPC before resorting to the ECHR.

The Government Spokesman stated that the judgment will be respected but that it is a negative development, pointing out that the Court cannot refer property owners to means which are essentially the product of illegality, if they want to seek restitution of their right to their property that is under military occupation by Turkey.

► **Cyprus v. Turkey (just satisfaction), Application No. 25781/94 European Court of Human Rights, 12 May 2014**

The Government of the Republic of Cyprus welcomed the judgment by the European Court of Human Rights with regard to the claim by the Republic of Cyprus against Turkey for just satisfaction on the basis of article 41 of the European Convention on Human Rights.

It notes, in particular, the reference of the Court that Turkey has not fully complied with the decision of 2001 at the Fourth Interstate Appeal of the Republic of Cyprus against Turkey, and that this compliance is not consistent with any permit, participation or complicity in any illegal sale or exploitation of Greek Cypriot properties in the occupied areas.

The Government of the Republic of Cyprus also noted with particular satisfaction, the reference that the decision of the European Court of Human Rights in the case Demopoulos and Others vs Turkey does not release Turkey of its obligations for compliance with the decision of the Court on the Fourth Interstate.

It welcomed the adjudication of compensation for the non-pecuniary damage suffered by the relatives of the missing persons in the amount of 30 million euro. It stressed that the efforts will continue until the effective investigation for the ascertainment of the fate of all the missing persons is completed and their identified remains are handed over.

As far as the adjudication of compensation for the non-pecuniary damage suffered by the enclaved persons (in the Turkish occupied areas) in the amount of 60 million euro, and in spite of the fact that the persecution and the suffering they have endured cannot be assessed in monetary terms, the Government of Cyprus welcomed the fact that the Court condemned, in this way, one more time, the Turkish policy of the violations of the human rights of the enclaved persons as well as the effort to change the demographic character of the occupied areas.

### *3. Consequences of the Turkish invasion and occupation - facts and figures*

- ▶ Over one third (36,2 percent) of the sovereign territory of the Republic of Cyprus remains occupied by Turkey.
- ▶ Approximately 200.000 Greek Cypriots, about one third of the total population at the time, were forcibly expelled from the occupied northern part of the island where they constituted about 70 percent of the population; they are still deprived of the right to return to their homes and properties. The Turkish Cypriots living in the free areas were forced by their leadership to move to the occupied areas.
- ▶ 758 Greek Cypriots (among them several hundred civilians) are still missing, but the Turkish side refuses to fully co-operate in ascertaining their fate.
- ▶ 331 Greek and Maronite Cypriots enclaved in their villages in the occupied areas are still living under oppression, deprivation and intimidation. (At the end of 1974 there were 20.000 enclaved, most of whom were subsequently forced by the illegal regime to abandon their homes and became refugees).
- ▶ A force of more than 43.000 Turkish troops, supported by the Turkish air force and navy, are still in the occupied areas of Cyprus.
- ▶ More than 160.000 settlers from Turkey have illegally colonised the occupied areas, as part of Turkey's policy to alter the demographic structure of the island.
- ▶ More than 57.000 out of 116.000 Turkish Cypriots have emigrated since the invasion, according to Turkish Cypriot sources, because of the economic, social and moral situation prevailing in the occupied areas.
- ▶ There has been systematic usurpation, misappropriation and exploitation of properties belonging to Greek Cypriots who were forcibly displaced by the Turkish invasion in 1974.
- ▶ Turkey and the illegal occupation regime have systematically eradicated the cultural and historical heritage of 11.000 years in the occupied areas. Some examples:
  - Illegal excavations and smuggling of antiquities are openly taking place all the time with the involvement or, at least, acquiescence of the occupying forces;
  - Innumerable icons, religious artifacts and archaeological treasures have been stolen and smuggled abroad;
  - The cemeteries of at least 25 villages have been desecrated and destroyed.

# Chronology of Key Events

The history of Cyprus dates to the 9th millennium B.C.

<b>2nd and 1st millennium B.C.</b>	Mycenean and Achean Greeks settle in Cyprus bringing Greek civilisation to the island.
<b>30 B.C.–330 A.D.</b>	Cyprus a province of the Roman Empire.
<b>330–1191</b>	Cyprus a province of the Byzantine Empire.
<b>1191–1571</b>	Cyprus under the rule of the Crusaders, the Order of the Knights Templar, the French Lusignans (1192–1489), and the Venetians (1489–1571).
<b>1571–1878</b>	Cyprus under Ottoman rule.
<b>1878</b>	Cyprus leased by the Ottoman Empire to Britain.
<b>1914</b>	Cyprus annexed by Britain following Turkey's alignment with Germany in WWI.
<b>1923</b>	Under the Treaty of Lausanne Turkey relinquishes all rights to Cyprus.
<b>1925</b>	Cyprus declared a British crown colony.
<b>1931</b>	First Greek Cypriot uprising against British rule.
<b>1950</b>	Makarios III elected Archbishop of Cyprus.
<b>1954</b>	Greece brings the issue of self-determination for Cyprus to the UN General Assembly.
<b>1955–1959</b>	Greek Cypriot armed anti-colonial struggle.
<b>1959</b>	Cyprus granted independence under agreements negotiated in Zurich and London by Greece, Turkey and Great Britain.
<b>1960 - 16 August</b>	Proclamation of the Republic of Cyprus.

<b>1963 - 30 November</b>	President Makarios submits constitutional amendments to “remove obstacles to the smooth functioning and development of the state;” which are rejected by Turkey and the Turkish Cypriot leadership.
<b>1964 - 4 March</b>	UN Security Council adopts resolution 186 whose basic provisions have guided international actions on Cyprus ever since (good offices mission of the UN Secretary General; creation of the UN peacekeeping force in Cyprus; reaffirmation of the independence, sovereignty and existence of the Republic of Cyprus and the Cyprus Government).
<b>1964 - March–May</b>	Arrival of UN peacekeeping force (UNFICYP) in Cyprus.
<b>1964 - August</b>	Turkey launches air attacks on Cyprus while US President warns Ankara against invading the island.
<b>1965 - 26 March</b>	UN Mediator Galo Plaza, in report to the Security Council, rejects Turkish position for geographical separation of Cypriot communities.
<b>1967</b>	- Military junta takes over in Greece. - Intercommunal clashes break out in Cyprus, and Turkey prepares to invade the island; crisis diffused after United States mediation.
<b>1968</b>	Start of UN-sponsored talks between the Greek and Turkish Cypriot communities.
<b>1972</b>	Cyprus-EEC Association Agreement.
<b>1974 - 15 July</b>	Coup against the Government of Cyprus organised by the military junta of Greece.
<b>1974 - 20 July</b>	Turkey launches first stage of invasion of Cyprus with massive sea and air military forces.
<b>1974 - 20 July</b>	UN Security Council adopts resolution 353 that “demands an immediate end to foreign military intervention in the Republic of Cyprus”.

<b>1974 - 23 July</b>	Coup regime collapses and constitutional order is restored in Cyprus.
<b>1974 - 14 August</b>	Turkey launches second stage of military invasion of Cyprus and occupies 36,2 percent of its territory.
<b>1974 - 1 November</b>	Unanimous UN General Assembly Resolution 3212 (including the vote of Turkey) calls for withdrawal of foreign troops from Cyprus, respect for independence, sovereignty and territorial integrity of the Republic, cessation of interference in its internal affairs, and return of refugees to their homes under conditions of safety.
<b>1977 - 12 February</b>	Four-point agreement on a Cyprus settlement reached between President Makarios and Turkish Cypriot leader Rauf Denktaş.
<b>1977 - 3 August</b>	Death of President Makarios, who is succeeded by Spyros Kyprianou.
<b>1979 - 19 May</b>	Ten-point agreement on a Cyprus settlement reached between President Kyprianou and Rauf Denktaş.
<b>1983 - 15 November</b>	“Unilateral Declaration of Independence” by the Turkish Cypriot leadership to establish the “Turkish Republic of Northern Cyprus” in areas of Cyprus under military occupation by Turkey.
<b>1983 - 18 November</b>	UN Security Council condemns the “UDI” declaration, calls it “legally invalid,” calls for its withdrawal, and calls upon all states not to recognise it and to respect the sovereignty and territorial integrity of the Republic of Cyprus (Resolution 541/83).
<b>1987</b>	Cyprus-EC Customs Union Protocol.
<b>1990 - 4 July</b>	Cyprus applies for membership in the EEC.
<b>1992 - 2 April</b>	Council of Europe releases the 4 October 1983 report of European Commission of Human Rights condemning Turkey for massive human rights violations in Cyprus.

<b>1992 - 27 April</b>	Council of Europe Rapporteur Alfons Cuco's report on the demographic structure of the Cypriot communities verifies the extensive colonisation of the occupied area by illegal settlers from Turkey.
<b>1996 - 18 December</b>	The European Court of Human Rights of the Council of Europe—following an application against Turkey, lodged by a Greek Cypriot, Titina Loizidou, for violating her right of access to her property in the Turkish occupied town of Kyrenia—rules that Turkey is accountable for the violation of human rights in the Turkish-occupied part of Cyprus.
<b>1998 - 31 March</b>	Accession negotiations start between Cyprus and EU.
<b>1999 - 11 December</b>	The Helsinki European Council Presidency conclusions stress that the prior solution to the Cyprus problem is not a precondition for Cyprus' accession to the EU.
<b>2001 - 10 May</b>	European Court of Human Rights of the Council of Europe finds Turkey guilty of gross human rights violations in the areas of the Republic it has been occupying since 1974.
<b>2002 - 11 November</b>	UN Secretary-General Kofi Annan submits plan for comprehensive settlement of the Cyprus problem.
<b>2002 - 13 December</b>	The European Council decides in Copenhagen to admit Cyprus as a member of the European Union on 1 May 2004.
<b>2003 - 16 April</b>	Cyprus signs the EU Treaty of Accession in Athens.
<b>2003 - 23 April</b>	Turkish occupation regime announces partial lifting of restrictions it imposed since 1974 on the movement of persons across the UN ceasefire line.
<b>2004 - 24 April</b>	Greek and Turkish Cypriot communities vote on Annan Plan V: 75.83 percent of Greek Cypriots vote "No" to the plan while 24.17 percent vote "Yes"; 64.91 percent of Turkish Cypriots vote in favour of the plan while 35.09 percent vote against; Annan Plan fails and is rendered null and void.

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<b>2004 - 1 May</b>	Cyprus formally accedes to the European Union.
<b>2006 - 8 July</b>	The President of Cyprus, Tassos Papadopoulos, and the Turkish Cypriot leader, Mehmet Ali Talat, agree on a set of principles (The 8 July Agreement) to guide the peace process on Cyprus.
<b>2008 - 1 January</b>	Cyprus adopts euro as official currency.
<b>2008 - 28 February</b>	In his inaugural speech new President of the Republic of Cyprus, Demetris Christofias, pledges to take major initiatives to revive stalled peace process.
<b>2008 - 3 September</b>	The President of Cyprus, Demetris Christofias, and the Turkish Cypriot leader, Mehmet Ali Talat, launch direct negotiations on the Cyprus problem.
<b>2009 - 28 April</b>	Court of Justice of the European Communities rules that a judgment of a Court in the Republic of Cyprus must be recognised and enforced by the other EU member states even if it concerns land situated in the Turkish occupied areas of Cyprus.
<b>2010 - 31 January</b>	UN Secretary-General Ban Ki-moon arrives in Cyprus for a three-day visit to express support to the talks.
<b>2010 - 10 February</b>	European Parliament adopts resolution on Turkey's Progress Report 2009 calling, among other things, on Turkey to facilitate a suitable climate for negotiations by immediately starting to withdraw its forces from Cyprus.
<b>2010 - 5 March</b>	European Court of Human Rights (ECHR) decides that the so-called immovable property commission (IPC), which was set up in the areas of Cyprus occupied by Turkey, constitutes an effective domestic remedy of the government of Turkey and not of the illegal regime in occupied Cyprus.
<b>2010 - 26 May</b>	Direct intercommunal talks resume between President Christofias and Dervish Eroglu, who succeeded Mehmet Ali Talat as leader of the Turkish Cypriot community in April.

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**2011 - 26 January**

President Christofias and the Turkish Cypriot leader Dervish Eroglu meet with UN Secretary-General Ban Ki-moon in Geneva, where they agree to intensify talks.

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**2011 – 1 November**

The two days talks end with no convergence at the meeting between President Christofias, Dervish Eroglu and UN Secretary-General Ban Ki-moon at the Greentree Estate in New York.

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**2012 - June**

Cyprus takes over the six-month Presidency of the Council of the European Union.

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**2013 – 27 September**

President Anastasiades meets with the United States Vice President Joe Biden on at the White House. The two leaders agreed that a new impetus is needed to the talks on the Cyprus problem. Moreover, the US Vice President expresses “appreciation for Cyprus as a strong partner in support of international efforts to promote security and stability in the region” and affirms the “longstanding US commitment to the re-unification of Cyprus as a bi-zonal, bi-comunnal federation” adding that he looks “forward to the opening of a new round of intensive negotiations under UN auspices.”

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**2014 – 11 February**

President Anastasiades and the Turkish Cypriot leader, Dervis Eroglu, adopt a Joint Declaration that set the framework and the basic principles for a settlement of the Cyprus problem and clarified the methodology to be followed. The Joint Declaration reaffirms that the solution will be based on a bi-zonal, bi-com-munal federation with political equality, as set out in the relevant Security Council resolutions and the High Level Agreements, and that a united Cyprus shall have a single international legal personality, a single sovereignty, and a single citizenship. The Joint Declaration also underlines that the status quo is unacceptable and its prolongation will have negative consequences for the Greek Cypriots and Turkish Cypriots. Furthermore, the two leaders agreed that the negotiations are based on the principle that nothing is agreed until everything is agreed.

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**2014 – 21 May**

Joe Biden, Vice-President of the United States pays a historic visit to Cyprus. He validated the “genuine strategic partnership” between the US and Cyprus. The Vice President pointed that they are not coming to impose solutions or to pressure the two sides and that the US will offer continued assistance as long as the sides find it useful.

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**2018 – 26 October**

President Anastasiades and Turkish Cypriot leader, Mustafa Akinci announce that on 12 November 2018, crossing points at Lefka and Deryneia will be open.

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**2021 – 27-29 April**

Efforts made at the informal 5+1 meeting on Cyprus in Geneva for the resumption of negotiations lead to a deadlock due to the refusal of the Turkish Cypriot leader and Turkey to reaffirm their commitment to the agreed basis of a bi-zonal, bi-communal federation with political equality and their insistence on the equal status of the "two-states".

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**2021 – July**

The Security Council condemns the 20 July announcement by Turkish and Turkish Cypriot leaders on the further reopening of a part of the fenced-off Varosha, calling for the immediate reversal of that course of action and for the reversal of all steps taken on Varosha since October 2020. In a presidential statement the Council reiterates that any attempt to settle any part of Varosha by people other than its inhabitants is inadmissible. It expresses regret over those unilateral actions that run contrary to previous Council resolutions and statements.

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**2024 – 5 January**

The UN Secretary General appoints Maria Angela Cuellar Holguin as his Personal Envoy on Cyprus, as part of the UN-led effort to resume the negotiation process.

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**2024 - 14 May**

Ms Holguin concludes her 3rd visit to Cyprus.

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