



## **PROFILE OF INTERNAL DISPLACEMENT : CYPRUS**

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Norwegian Refugee Council/Global IDP Project  
Chemin de Balexert, 7-9  
1219 Geneva - Switzerland  
Tel: + 41 22 799 07 00  
Fax: + 41 22 799 07 01  
E-mail : [idpproject@nrc.ch](mailto:idpproject@nrc.ch)

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## PROFILE SUMMARY

### **Cyprus: failure of political settlement prevents the displaced from repossessing their properties**

*Close to a quarter of the inhabitants of Cyprus – 210,000 ethnic Greek and Turkish Cypriots – have been internally displaced for over 30 years. This constitutes the longest-standing internal displacement situation in Europe. Unlike the vast majority of protracted displacements in the world though, internally displaced people (IDPs) in Cyprus no longer have pressing humanitarian needs. Greek Cypriots have built a new life in southern Cyprus, under the control of the Greek Cypriot government, and so have Turkish Cypriots in the northern part of the island. Nevertheless, displaced Greek Cypriot communities in the South continue to express their strong desire to return and recover their lost properties in the North. In April 2004, a UN-proposed settlement widely supported by the international community was defeated by Greek Cypriot voters in a referendum. As a result, IDPs in both parts of the island continue to be unable to realise their residency and property rights in their areas of origin. The accession of the Greek Cypriot side to the European Union (EU) in May 2004 did not contribute to a rapprochement between the Greek and Turkish Cypriots either. Still, there have been recent positive developments, including the increased freedom of movement between the North and the South of the island, the election of a new leader in the North, and the improvement of relations between the Turkish Cypriot side and the EU.*

### **A long-standing crisis**

The independence of Cyprus in 1960 was rapidly followed by tensions between the Greek Cypriot majority (80 per cent of the island's population in 1960) and the Turkish Cypriot minority (20 per cent) (Kyle, December 1997). The debate over the sharing of power between the two communities degenerated into inter-communal violence by the end of 1963 and early 1964, leading the United Nations to send a peacekeeping force to the island, the UN Peacekeeping Forces in Cyprus (UNFICYP). A coup in July 1974 against the Greek Cypriot president was immediately followed by a Turkish invasion of the island, purportedly to protect Turkish Cypriots against extremist Greek nationalists. The military operation and the subsequent occupation of the northern part of the island by Turkey triggered the transfer of most of the Greek Cypriots living in the North to the southern part of the island while the Turkish Cypriots in the South went in the opposite direction. The northern part of the island was proclaimed the Turkish Federated State of Cyprus in 1975. It became the "Turkish Republic of Northern Cyprus" (TRNC) in 1983, and is only recognised by Turkey.

There are no agreed estimates of the current internally displaced population. UNFICYP estimates that a total of 210,000 IDPs, 165,000 in the South and 45,000 in the North, remain displaced today as a result of communal violence and the Turkish invasion (UNFICYP, 2 February 2001). UNHCR figures, as of December 1999, put the number at 200,000 displaced persons in the South and 65,000 in the North (UNHCR, July 2000). UNHCR figures are partly based on data provided by the government of Cyprus, which extends national IDP status to children of male displaced persons (Official Gazette, 26 July 2002).

### **Defeat of the latest settlement plan**

Since 1974, successive UN Secretaries-General have conducted missions of "good offices" to facilitate the search for a settlement between the two parties, with limited results. Up to 2003, opposition from the Turkish Cypriot authorities to a reunited island blocked all UN-sponsored efforts to solve the conflict and restore freedom of residence and property rights for IDPs. The latest settlement plan proposed by UN Secretary-General Kofi Annan (the "Annan Plan") envisaged a bi-communal, bi-zonal federal structure, based on the political equality of the two communities (UN SG, 21 April 2004). It also represented a

compromise between the conflicting claims of original owners and current users (UNSC, 1 April 2003). The plan was defeated in a referendum in April 2004, but this time, it was the Greek Cypriots who refused the conditions offered, feeling that the plan gave too many concessions to the Turkish side. Approximately two-thirds of Greek Cypriot voters rejected the proposal, while the majority of Turkish Cypriots voted to accept it. In May 2004, Cyprus joined the EU, but only Greek Cypriots got the benefits and responsibilities of being part of the EU, as membership is suspended in the Turkish Cypriot area, in line with an earlier decision that the North could only join if the island was reunited (BBC News, 17 December 2004).

Following the approval by Turkish Cypriots of the Annan Plan, the EU planned direct trade and financial assistance to the TRNC, but as of April 2005 the Greek Cypriot side had prevented the implementation of these measures (UNSC, 24 September 2004; Turkishpress.com, 9 April 2005). In its report to the UN Security Council in September 2004, Kofi Annan deplored the fact that official contacts between leaders of both sides had ceased since the referendum, and that signs of mutual distrust had reappeared (UNSC, 24 September 2004). A positive sign however seems to be the relative improvement of relations between the two other countries most directly touched by the Cyprus question, Turkey and Greece. The Greek foreign minister visited Turkey in April 2005, and the question of Cyprus was said to be on the agenda for discussion (Turkishpress.com, 12 April 2005). Also in April 2005, Mehmet Ali Talat, who is widely considered a keen pro-European, was voted president of the TRNC to replace retiring hardline leader Rauf Denktash (BBC News, 17 April 2005).

### **IDPs no longer have humanitarian needs**

Thirty years after the Turkish intervention, the United Nations no longer sees the humanitarian situation of the displaced population in Cyprus as a problem, as shown by the removal of the Cypriot IDPs from the list of populations of concern to UNHCR in 1999. The displaced in both parts of the island are considered to have been integrated by the respective authorities. Displaced people in the South have received strong support from the Greek Cypriot government in the form of a comprehensive programme of housing and relief. A special IDP status has been granted to the displaced and their children, which gives them access to social and tax benefits. The integration of the displaced in the Greek-controlled area has also been greatly facilitated by successful economic growth since the end of the conflict (Republic of Cyprus, 1999; UNFICYP, 4 January 2001). In the North, the assistance provided by the Turkish Cypriot administration to the displaced has consisted mainly of the allocation of properties left behind by their Greek Cypriot owners (UNHCR, 11 January 2001; UNFICYP, 4 January 2001; ECHR, 10 May 2001, Case of Cyprus).

### **Displaced Cypriots seek to regain property**

Despite their successful integration, the Greek Cypriots displaced in the South continue to protest about their eviction by Turkish forces. An association of communities in exile has been active in publicly defending their right to return and gain access to their property (Neack, December 2002). The Greek Cypriot government has also strongly supported the claim of the displaced, by actively campaigning in international and regional forums to raise awareness of the rights of the displaced and compel the authorities in the North to comply with them (USCR, 2001; Kyle, December 1997). In 2005, a Greek Cypriot court ordered a British couple to demolish their house built in northern Cyprus and to return the land, stating that it belonged to a family displaced in 1974. Over 300 villas and apartments have been acquired recently by foreigners in northern Cyprus, the vast majority of them British nationals (BBC News, 14 April 2005). On the other hand, in a landmark decision of September 2004, the Supreme Court of the Republic of Cyprus ruled in favour of a displaced Turkish Cypriot who had lived in the South prior to 1974 and ordered the return of his property (CHR, 9 March 2005).

Since 1962, Cypriots have been under the protection of the European Convention on Human Rights (CoE, 1 September 1998), and since 1976, the Greek Cypriot government has lodged applications against Turkey to the European Court of Human Rights (ECHR) in relation to various human rights abuses resulting from the

occupation of the northern part of the island by Turkey. In all cases, the Court has concluded that the TRNC was not an independent state and held Turkey responsible for the violation of the right of the displaced Greek Cypriots to return to their homes and enjoy their properties. In November 1996, the ECHR also established the responsibility of Turkey for the violation of the property rights of a Cypriot citizen and reaffirmed the validity of the property titles issued prior to 1974 (Case of Loizidou) (ECHR, 18 December 1996). At the end of 2003, Turkey paid more than one million dollars compensation to Ms Loizidou, after reaching what Turkey called an “understanding” with the Council of Europe that the case would not set a precedent for hundreds of similar cases still pending (BBC News, 2 December 2003). The Committee of Ministers of the Council of Europe will, however, still consider the question of the illegal expropriation of Ms Loizidou’s property at the end of 2005 (CoE, 22 June 2004).

In April 2005, the ECHR decided that the case brought by Greek Cypriot Xenides Arestis against Turkey was admissible, despite the fact that the TRNC had enacted in June 2003 a “Law on Compensation for Immovable Properties Located within the Boundaries of the Turkish Republic of Northern Cyprus” and set up a commission under this law with a mandate to deal with compensation claims. The Court considered that these measures could not be regarded as an effective or adequate means of redressing the applicant’s complaints (ECHR, 6 April 2005). As of early 2005, no application had been submitted to the commission established by the TRNC (CHR, 9 March 2005). There were no developments on any of the other 500 cases that Greek Cypriots filed against Turkey at the ECHR (US DOS, 28 February 2005).

For their part, the Turkish Cypriot authorities have largely seen the resettlement of the Turkish Cypriot displaced in the North as an irreversible process, as evidenced by the absence of any formal status granted to the displaced population. Also, the Greek Cypriot and Maronite minorities who remained in the North after 1974 have been compelled to leave progressively for the South as a result of serious limitations imposed on their movements (Kyle, December 1997; Dammers, 1998; UNFICYP, 4 January 2001). The considerable migration of settlers from Turkey has also contributed to the ethnic consolidation of northern Cyprus (CoE, 24 June 2003, “colonisation”). Regarding the displaced Turkish Cypriots themselves, there is no information on their view of their current and future situation.

### **Improvement of freedom of movement between North and South**

The difficult economic situation in northern Cyprus has obliged Turkish Cypriot authorities to relax restrictions on movements of persons across the ceasefire line. Heavily dependent on financial aid from Turkey, northern Cyprus has seen the economic effects of its isolation amplified by the stagnating Turkish economy. Decreasing incomes and high unemployment have pushed younger educated generations to emigrate in numbers and triggered aspirations among the population for a reunited island and EU membership (EC, 9 October 2002). The veteran former Turkish Cypriot leader, Rauf Denktash, whose “negative approach” to the peace talks had been denounced by the UN Security Council, demonstrated more openness at the end of April 2003, by allowing the free circulation of persons across the ceasefire line for short visits. Thousands of Cypriots from both parts of the island immediately crossed the line. For its part, the Greek Cypriot government adopted a series of measures to facilitate the movement of persons and goods from and to northern Cyprus and since then, Turkish Cypriots have not had to give advance notice of their intent to travel to the South or their planned itinerary and return date (US DOS, 28 February 2005). Since April 2003, there have been over four million crossings of the buffer zone without major incidents (UNSC, 24 September 2004).

### **UN peacekeeping presence**

UNFICYP has been in charge of the maintenance of the ceasefire and military status quo along the buffer zone since 1974. The UN also carries out humanitarian and protection functions for the Greek Cypriot and Maronite communities remaining in the North, and the Turkish Cypriot community in the South (UNDPI, 2003). Other initiatives taken by the UN include the creation of the Committee on Missing Persons in 1981,

which met in 2004 after years of inactivity, but has failed so far to resolve any cases of disappearance recorded as a result of the events of 1974 (US DOS, 28 February 2005). UNHCR was in charge of the coordination of humanitarian assistance to the displaced populations and the implementation of bi-communal project from 1974 to 1998 (UNHCR, 11 January 2001). Since then, UNDP, through the UN Office for Project Services (UNOPS), and UNFICYP have been promoting dialogue between the two communities and cooperation in areas of mutual interest, such as public health, the environment, culture and education (UNSC, 30 May 2002).

(Updated April 2005)



# CAUSES AND BACKGROUND OF DISPLACEMENT

## Background

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### Historical background: from the colonial rule to the ethnic participation

- Cyprus became a possession of the Ottoman empire in 1571
- The Ottomans ceded the island to Great Britain in 1878 which annexed the island officially in 1914
- Cyprus achieved independence in August 1960, as a result of the agreements signed in Zurich and London in February 1959 between the representatives of United Kingdom, Greece, Turkey and the two Cypriot communities
- The 1960 constitution provided for the participation of both the Greek and Turkish communities in all the institutions of the new republic
- Clashes between the two communities at the beginning of 1964 led the United Nations Security Council to dispatch a United Nations peacekeeping force (UNFICYP) (March 1964)
- Following a coup d'Etat by ultra-nationalist Greek Cypriots in 1974, Turkish armed forces intervened and occupied the northern third of the island
- After this partition, the Greek Cypriots from the northern part of the island fled to the south and the Turkish Cypriots living in the south took refuge in the north
- In 1975, the northern part occupied by the Turkish army was proclaimed the Turkish Federated State of Cyprus, which became the Turkish Republic of Cyprus in 1983 which is recognised only by Turkey

"The two salient features of Cyprus's history are: the numerous successive waves of occupation that have engulfed the island and the Greek presence on Cyprus since 2000 BC. For centuries, the island has been an interface for the peoples, civilisations and cultures of Asia, Africa and Europe.

For three centuries, as from 1192, the crusaders made the island into Latin Christendom's isolated, solitary bastion in the Mediterranean. In 1571, after just under a century of Venetian domination, Cyprus became a possession of the Ottoman empire. 300 years later, in 1878, the Ottomans ceded the island to Great Britain in return for British help against the mutual enemy, Russia. In 1914, the Ottoman empire declared war on Great Britain which annexed the island.

It was not until 16 August 1960 that Cyprus achieved independence, as a result of the agreements signed in Zurich and London in February 1959 between the representatives of United Kingdom, Greece, Turkey and the two Cypriot communities. These agreements rule out the uniting of the island with any other state or its partition.

The 1960 constitution provided for the participation of both the Greek and Turkish communities in all the institutions of the new republic. The House of Representatives, which had 50 seats, allotted 70% of them to the Greek-Cypriot community (which at that time made up approximately 80% of the population) and 30% to the Turkish-Cypriot community (which accounted for the remaining 20% or so of the population).

Nevertheless, the application of the constitution proved more difficult than had been expected. The two communities, which were too susceptible to the respective influences of Greece and Turkey, accused each

other of violating the 1959 agreements and the 1960 constitution. In the period from 1960 to the end of 1963 part of the Greek-Cypriot population, who had played a leading role in the uprising against the British occupation, continued to defend the idea of uniting Cyprus with Greece ("Enosis"). At the end of November 1963, the Turkish-Cypriot community rejected the constitutional amendments proposed by President Makarios. Attacks on members of this community at the end of December 1963 plunged the country into a deep political crisis, which ended in the fall of the intercommunal government.

The continual clashes at the beginning of 1964 led the United Nations Security Council to dispatch a United Nations peacekeeping force (UNFICYP) to the island in March of the same year. It is still stationed there.

Between 1964 and 1967 the Cyprus crisis became one of the main sources of tension between Greece and Turkey. Despite the provisions of the 1959 agreements limiting the size of the Greek and Turkish military contingents stationed in Cyprus, Greek armed forces moved on to the island with the authorities' consent. During this period, the Turkish-Cypriot community, which felt left out of the Republic's administrative, legal and political organs, set up its own institutions.

In December 1967 and January 1968, following the agreements reached between Greece and Turkey, most of the Greek armed forces stationed on the island were repatriated. The political climate improved and a few months later intercommunal talks began with a view to arriving at a just and peaceful solution of the Cypriot question.

On 15 July 1974, the coup d'Etat of Nikos Sampson, an avowed advocate of Enosis who enjoyed the open support of the military junta in power in Greece, set a real tragedy in motion. On 19 July 1974 President Makarios, who had had to leave the island, told the United Nations Security Council that the coup had led to much bloodshed and the loss of many human lives.

The Turkish military intervened the next day, 20 July 1974. The Turkish Government intended in this way to exercise its rights under the 1960 Guarantee Treaty. On 14 August 1974 a second wave of Turkish armed forces arrived in Cyprus and occupied the northern third of the island. The island was thus divided into two parts separated by a demarcation line. After this partition, the Greek Cypriots from the northern part of the island fled to the south and the Turkish Cypriots living in the south abandoned it to take refuge in the north. They had all therefore become refugees in their own country.

In 1975, the northern part occupied by the Turkish army was proclaimed the Turkish Federated State of Cyprus, which became the Turkish Republic of Cyprus in 1983 and is recognised only by Turkey. This unilateral declaration of independence was condemned by the United Nations Security Council.

The declaration of independence drove a larger wedge between the two communities and made intercommunal dialogue even more difficult, despite the efforts of the United Nations Secretary General, who had been entrusted with a mission of good offices by the international community." (COE 27 April 1992, paras. 13-24)

*See also BBC News, News Timeline: Cyprus [reference below]*

### **Cyprus's accession to the EU: impact on the conflict (2001-2004)**

- Cyprus joined the EU in May 2004
- Only Greek Cypriots got the benefits and responsibilities of being part of the EU, as membership is suspended in the Turkish Cypriot area, despite the "yes" vote, in line with an earlier decision that the north could only join if the island was reunited

- The accession process had raised fear and frustration on the northern part of the island and from Turkey
- The European Council indicated that a solution to the conflict was highly desirable but not a precondition to Cyprus's accession (1999)

***Report by Mr. Bársoni, Rapporteur for the Parliamentary Assembly of the Council of Europe:***

"Cyprus's application for membership of the EU was submitted on 3 July 1990 and the accession negotiations opened with the Republic of Cyprus on 31 March 1998. The Republic of Cyprus is the only state internationally recognised as representing the island as a whole and according to Mr Vassiliou, Head of the Negotiating Delegation for the Accession of Cyprus to the EU, the Government of the Republic of Cyprus is negotiating on behalf of all those who reside on the territory that it controls. He did underline that the Turkish Cypriots are welcome to join the negotiations once they share the view of the Republic of Cyprus on the future solution to the conflict.

The foreseen date for accession is 1 January 2004 and the negotiations seem to be proceeding smoothly from a technical point of view and the twenty-nine chapters are expected to be completed by mid-2002.

This smooth accession in the southern part of the island is a reason for a large part of irritation in the northern part. During my visits I heard several claims from the Turkish Cypriots that the leaders of the Republic of Cyprus were not interested in finding a settlement now, as they were confident with the way in which the EU membership negotiations were advancing. An overwhelming majority of the political forces in the northern part feel abandoned by the EU and several have complained that neither the EU negotiators or the Rapporteur of the European Parliament have made an effort to come and meet them in the northern part of the island.

There is a striking misconception and bias amongst the Turkish Cypriot leadership about the aims and functioning of the EU. Those who may have the correct information do not disseminate it to others. Therefore, it is of the utmost importance that the EU find a way to inform the Turkish Cypriot leadership and population, if possible through opening an information centre in the northern part of the island, about the potential benefits accession to the EU can bring.

Furthermore, the Turkish Cypriot community is under the strong impression that the main reason why the Republic of Cyprus wants to join the EU, it to achieve ENOSIS with Greece. Unfortunately, statements in this sense have been made by political leaders in the southern part. This leads some in the northern part to fear for their existence. Political leaders should avoid making such provocative statements that will further nobody's cause.

The European Council (Helsinki, December 1999) indicated that a political solution was not a precondition for Cyprus's accession to the EU, although such a solution prior to accession was highly desirable and would facilitate the accession process. It also stated that the EU would take a definitive stance closer to the time of decision. Commissioner Verheugen has stated that there is no possibility of separate negotiations with the two parts of the island, nor is there question of accession for two Cypriot states or of accession of the northern part of the island upon Turkish accession.

Turkey has threatened to annex the northern part of Cyprus in response to Cypriot accession to the EU and to proclaim the northern part as its province. The EU has considered this threat as a clear breach of international law and declared that such a measure would hinder Turkey's accession negotiations with the EU. The main arguments put forward by the Turkish authorities are both political and legal. On one hand, admitting only one part of the island would deepen even further the division between the two communities and on the other hand it would be breach of the relevant provisions of the 1960 Treaty of Guarantee which stipulates that the Republic of Cyprus 'undertakes not to participate, in whole or in part, in any political or economic union with any State whatsoever. It accordingly declares prohibited any activity likely to promote, directly or indirectly, either union with any other State or partition of the Island' (Article I).

Furthermore, the Treaty also stipulates that “Greece, Turkey and the United Kingdom, taking note of the undertakings of the Republic of Cyprus set out in Article I of the present Treaty, recognise and guarantee the independence, territorial integrity, and security of the Republic of Cyprus, and also the state of affairs established by the Basic Articles of its Constitution. Greece, Turkey and the United Kingdom likewise undertake to prohibit, so far as concern them, any activity aimed at promoting, directly or indirectly, either union of Cyprus with any other State or partition of the Island.” (Article II). The Turkish position also maintains that there is no legal authority that represents both parties in Cyprus. The application, which has been made on behalf of the whole island, to which the Turkish Cypriot party did not give her consent, is legally null and void.

[...]

The United Nations Security Council Resolution 1062 (1996) welcomed the decision of the EU to start the accession negotiations with the Republic of Cyprus and describes the decision as helpful to the efforts to find a comprehensive solution to the Cyprus question.

In March 2001, Turkey submitted its National Programme for the Adoption of the EU Acquis, and when referring to Cyprus, it states that it 'supports the efforts of the UN Secretary General [...] with a view to establishing a new partnership in Cyprus based on the sovereign equality of the two parties and the realities of the island'. This statement can be interpreted to read that the regime in the northern part of the island must be recognised as well as the occupation of the island by Turkish troops." (COE 19 December 2001, paras. 47-58)

“On 1 May 2004, Cyprus joined the European Union (EU). While the accession did not, as was hoped, provide the catalyst for a comprehensive settlement, the EU framework, if used wisely by all parties, does have the potential to improve the climate between Cyprus, as an EU member state, and Turkey, as a candidate for EU membership. It also has potential to help reduce the disparities between the two communities on the island, promote confidence between them, and build and sustain constituencies on each side in favour of reconciliation and reunification. In this context, intra-island trade of certain goods began in August pursuant to an EU regulation. The EU Commission also recommended to the European Council an aid package of 259 million Euros for the Turkish Cypriots and the opening of direct trade between the north of the island and the European Union.

However, key decisions on the EU's relations with Turkey and with the Turkish Cypriots have yet to be taken. This has led to considerable uncertainty on both sides of the island. The Greek Cypriot side has opposed the Commission's recommendations on direct trade, and has proposed its own set of economic and confidence building measures. These have been largely dismissed by the Turkish Cypriot side, which has also expressed disappointment with what they regard as the slow pace of EU assistance.” (UNSC 24 September 2004)

*Following the failure of the settlement plan in 2004, “Cyprus stays divided into Greek and Turkish sectors for the foreseeable future. It could be a long time before the international community is prepared to take another stab at solving the problem.*

And when the island joins the EU on 1 May, only Greek Cypriots will get the benefits and responsibilities of being in the club.

Membership is suspended in the Turkish Cypriot area, despite the "yes" vote, in line with an earlier decision that the north could only join if the island was reunited.” (BBC News 17 December 2004)

*See [documents pertaining to Cyprus's accession to the EU on the "Enlargement" website of the European Commission \[Internet\]](#)*

## **The problem of the settlers from Turkey: a report by the Council of Europe (1992-2003)**

- The influx of migrants from Turkey to Northern Cyprus between 1975 and 1977 has been the most notable demographic occurrence in Cyprus since 1974, according to Council of Europe rapporteur, Alfons Cucó
- The Turkish Cypriot administration strongly denies that Turks immigrated from mainland Turkey have reached or exceeded half of the population in the north
- The vast majority of the settlers were peasants and shepherds from Anatolia who moved into villages that had been abandoned by Greek Cypriots
- The aim of the Turkish-Cypriot Administration's policy towards the settlers has been to promote their permanent establishment on the island
- Over the years the growing numbers of the Turkish settlers and the role that some of them play in political life have created concerns within the Turkish-Cypriot community.
- The demographic structure of the population has further been modified by the presence of the Turkish army in the northern part of Cyprus
- In 2003, the Council of Europe expressed its concern at the continuous outflow of the indigenous Turkish Cypriot population from the northern part. Their number decreased from 118 000 in 1974 to an estimated 87 600 in 2001

"For many years it was difficult to get reliable demographic information from the north, though the Council of Europe made an attempt in 1992 through a Spanish expert Alfons Cucó. He reported that the northern population had risen between 1974 and 1990 from 115,728 to 171,500, a growth rate which could only be accounted for by considerable immigration from mainland Turkey, especially in view of the sizeable numbers of Turkish Cypriots known to have left the island, though some of these have returned. A census taken in 1996 by the northern authorities shows the population reaching 198,215. This had led to the assertion, strongly denied by the Turkish Cypriot authorities, that mainland Turks have either reached or have been exceeded half the population of the north. The removal of this substantial element of the north's current population as well as of Turkish forces have been a consistent Greek Cypriot demand, though there is some willingness to make allowances for people born in north Cyprus and for mixed marriages. According to the Cyprus Government most of these mainlanders have been there for over 20 years; as for the rest, there is, they say, a considerable flow back and forth between north Cyprus and Turkey but applicants for 'naturalization' are not eligible until after five years' residence." (Kyle December 1997, p. 26)

### Cuco report on the demographic structure of Cyprus (1992)

"Everyone admits that, since 1975, Turkish nationals have arrived in the northern part of Cyprus. For some people they are part of a smallish migratory movement, for others they constitute regular colonisation. If from now on, I use the term "settler" to describe these persons it is because, from the evidence I received, they actually came to settle and work in a depopulated area.

Both parties admit that two particularly large waves arrived in 1975 and 1977. They were probably massive, as even taking the lowest estimates, they represented the arrival of a group making up more than 10% of the Turkish-Cypriot population at that time. The Turkish army also moved in permanently at that juncture. Since then, there has been a smaller, but steady flow, although it has had less impact on the total population, owing to the simultaneous emigration of Turkish Cypriots

It is also agreed that the Turkish settlers fall into two main categories. The vast majority are peasants and shepherds, whose life in the north of Cyprus is similar to the one they were leading in Anatolia. The other category comprises managers, businessmen and retired Turkish army officers. They are a minority who nonetheless seem to exert considerable influence on the ruling class of Turkish Cypriots.

I was not personally able to see whether the settlers had moved into particular villages. According to Professor Heinritz [Institut für Geographie, Technische Universität, Munich, Germany] and Professor Brey [Südosteuropa-Gesellschaft, Munich, Germany], the population movements that followed the events of 1974 could have depopulated some villages in the north. During their visits to the northern part of Cyprus, the two professors were able to determine that this was not the case and that the settlers had moved into villages that had been abandoned by Greek Cypriots.

Especially in these villages, the settlers had preserved their original social, economic and cultural characteristics and were therefore viewed as foreign elements by a number of Turkish Cypriots. Some of the people I spoke to even claimed that the settlers were moved by religious fundamentalism, which would cause tension between the settlers and the Turkish Cypriots. The latter, who were more open to the European way of thinking, were laxer in their religious observance. This tension was likely to turn into real animosity.

As the Turkish ambassador in Nicosia indicated, there is no consular register of Turkish nationals in Cyprus. Nevertheless, it must not be assumed from this that there are no contacts between the settlers and the Turkish authorities. Most of the settlers were transferred to Cyprus as the result of a decision of the Turkish authorities and so they feel indebted for their present situation. For this reason, according to some of the people I spoke with, they are particularly sensitive to signals from the Turkish authorities, especially at election time. The elite of the settlers are said to be highly susceptible to Turkish influence. Some people even claimed that the Turkish embassy was behind the setting-up of the Revival Party, the settlers' chief political grouping.

The aim of the Turkish-Cypriot Administration's policy towards the settlers has been to promote their permanent establishment on the island. The settlers are granted housing, land or other properties on special terms. They are issued with a 'concession certificate' which they are not entitled to sell or pass on to a third party until a period of twenty years has elapsed.

Nevertheless, the most important measure for the settlers has been the possibility of acquiring Turkish-Cypriot nationality. In 1975, the Turkish-Cypriot Administration passed Act No. 3/1975, under which nationality could be given to anyone who requested it and, in particular, to members of the Turkish armed forces who had served in Cyprus, the wives, children and brothers of members of these forces who had fallen in Cyprus between 20 July 1974 and 20 August 1974 or to persons who had served in the Turkish Resistance Organisation in Cyprus or Turkey.

In 1981, a regulation on the acquisition of the nationality of the state in exceptional cases supplemented these provisions. This text provides for the granting of Turkish-Cypriot nationality to persons permanently resident in the northern part of Cyprus for at least one year, to persons who have made or who could make an important contribution to the economy, to those who have contributed to social and cultural life, the development of external relations or the raising of the standard of education and to all those who have rendered services the continuation of which is vital to the security forces. Proof must, however, be supplied in all cases. One of the last provisions of this regulation also permits the granting of nationality to any person, when the authorities consider this to be necessary.

For the settlers, a whole series of political rights were attendant on the acquisition of nationality. The most important of these rights is undoubtedly the right to vote. At first the settlers voted en masse for Mr Denktash's National Unity Party. Nevertheless, between 1978 and 1981 some small political parties came into being (Turkish Unity Party, Reform and Prosperity Party and Social Justice Party). They were strongly flavoured with Turkish nationalism and quite openly proclaimed their intention to build a Turkish nation. Their poor showing at various elections furthered the emergence of a new party, at the instigation (according to some people) of the Turkish authorities. As I said earlier, this was the Revival Party, which is in favour of maintaining the present status quo." (COE Parliamentary Assembly 27 April 1992, paras. 88-97)

"This influx of Turkish settlers has had a real impact on the structure of the population in the northern part of the island. According to the Turkish-Cypriot Administration, the population here went up from 115 600 in 1974 to 148 500 in 1979. This increase of 32 900 persons is much larger than the natural rate of increase of the population, which worked out at a mere 7 843 over that period. It is therefore the result of a net migratory movement of 25 057 persons. I have no grounds for asserting that all arrivals were Turkish settlers, but neither do I have any reason to assume that, during this period, there was no emigration by Turkish Cypriots comparable to that of the Greek Cypriots, above all to Australia, the United Kingdom and the other countries of the Commonwealth. No matter what the reasons are, a 28% surge in the population in five years is quite exceptional, wherever it occurs.

The arrival and establishment of the Turkish settlers is the most notable demographic occurrence in Cyprus since 1974. One only has to consult the statistical tables to see that chief demographic indicators (natural rate of increase of the population, marriage, divorce and infantile mortality rates) from 1974 up to the present display quite comparable trends for both communities. Only one indicator, the fertility rate, shows a substantial divergence, especially between 1975 and 1980. It is higher in the north than in the south, which confirms the effect of the settlers' arrival on the island's demography.

The two communities have different stances on the issue of the Turkish settlers. The Greek Cypriots are extremely worried about a situation which they regard as serious and accuse the Turkish-Cypriot Administration of conducting a policy to promote colonisation. In the northern part of the island, the attitude to the establishment of Turkish settlers seems to have changed considerably since 1974. While these settlers were at first seen by the vast majority of Turkish Cypriots as a vital injection of the additional manpower needed by the country, over the years their growing numbers and the role that some of them play in political life have changed initial perceptions and introduced wide divergences within the Turkish-Cypriot community.

The parties in control of the Turkish-Cypriot Administration first played down the number of settlers and then said that their presence was not a problem. The opposition parties, on the other hand, vigorously denounce the arrival of the settlers, their naturalisation and their use for electoral purposes by the ruling parties.

[...]

In my conclusions I must also draw attention to the demographic impact of the presence of the Turkish army in the northern part of Cyprus. Even if we take the lowest estimate of a contingent of 30 000 men and a population totaling 180 000 persons, this works out at one soldier per six civilians, a ratio that must be unique in Europe." (COE Parliamentary Assembly 27 April 1992, paras. 105-112)

### ***The situation had not improved as of 2003***

*In 2003*, "The Rapporteur [to the Parliamentary Assembly of the Council of Europe] notes with regret that, since the last report on the subject, there has been no progress towards the demographic stabilization on the island – to the contrary. The recommendation which was adopted by the Assembly in 1992 instructed the European Population Committee of the Council of Europe to conduct a census of the island's population, in co-operation with the authorities concerned, in order to replace population estimates with reliable data. It also requested the authorities of the Republic of Cyprus and the Turkish-Cypriot administration not to change the demographic structure of the island and to keep the arrival of aliens under control. Neither of these recommendations has been accomplished." (CoE, Parliamentary Assembly 2 May 2003)

"It is a well-established fact that the demographic structure of the island has been continuously modified since the *de facto* partition of the island in 1974 as a result of the deliberate policies of the Turkish Cypriot administration and Turkey. Despite the lack of consensus on the exact figures, all parties concerned admit that Turkish nationals have been systematically arriving in the northern part of the island. According to reliable estimates, their number currently amounts to 115 000.

The settlers come mainly from the region of Anatolia, one of the less developed regions in Turkey. Their customs and traditions differ in a significant way from those in Cyprus. These differences are the main reason for the tensions and dissatisfaction of the indigenous Turkish Cypriot population who tend to view them as a foreign element.

In particular, the Assembly expresses its concern at the continuous outflow of the indigenous Turkish Cypriot population from the northern part. Their number decreased from 118 000 in 1974 to an estimated 87 600 in 2001. In consequence, the settlers outnumber the indigenous Turkish Cypriot population in the northern part of the island.

In the light of the information available, the Assembly cannot accept the claims that the majority of arriving Turkish nationals are seasonal workers or former inhabitants who had left the island before 1974. Therefore it condemns the policy of "naturalisation" designed to encourage new arrivals and introduced by the Turkish Cypriot administration with full support of the Government of Turkey.

The Assembly is convinced that the presence of the settlers constitutes a process of hidden colonisation and an additional and important obstacle to a peaceful negotiated solution of the Cyprus problem." (CoE Parliamentary Assembly 24 June 2003, "colonization)

### **Persisting tensions despite ceasefire (1974-2004)**

- Both sides generally respect the ceasefire but the overall situation remains subject to sudden tensions
- The decision of the Cypriot government in January 1997 to deploy anti-aircraft missiles created severe tensions with Turkey and was finally withdrawn in December 1998
- In reaction to a controversy at the Security Council in June 2000, the Turkish Cypriot administration took measures against UNFICYP
- Air violations have decreased by 50 percent in 2002, but restrictions imposed by the Turkish security forces continue to hamper UN forces operations
- There is a need to clear mines in the buffer zone
- In August 2004, a bomb exploded at a Greek Cypriot church

"Since the events of 1974, the situation in Cyprus has remained calm, although tension has arisen periodically. Both sides have generally respected the ceasefire and the military status quo. But, as the Secretary-General has repeatedly stated, the continuing quiet should not obscure the fact that there is only a cease fire in Cyprus, not peace. The Security Council has declared on numerous occasions that the status quo is not an acceptable option. In the absence of progress towards a settlement between the two sides, the overall situation remains subject to sudden tensions, generated by events outside as well as within Cyprus." (UN DPI December 2000)

### **The missile crisis (1997-1998)**

"The (Greek) Cypriot government revealed on January 6, 1997, that it had contracted to purchase S-300 anti-aircraft missiles from Russia. It also established a small airbase at Paphos in western Cyprus earmarked for use of military aircraft from Greece. The Greek Cypriots insisted these were legitimate self-defense programs mounted in response to the threat posed by aircraft of the Turkish military forces stationed within easy range of Greek Cypriot targets. To bow to Turkish objections, they said, would unacceptably 'Finlandize' Greek Cypriot defense policy.



The Turks, for their part, regarded these Greek moves as unwarranted escalation, even though any initial S-300 missile deployment would have only limited defensive capabilities. Turkish strategists expressed fears the precedent could lead to more powerful missile systems through upgrading or replacement. Ankara reacted strongly from the beginning as Denktash journeyed to Ankara for issuance with President Demirel of a 'Joint Declaration' on January 20, decrying the missile purchase and promising to 'take the necessary measures ... to render ineffective policies which threaten the peace in the region.' Talk in Ankara hinted strongly of a preemptive Turkish strike, and Turkish Deputy Prime Minister Bülent Ecevit (who was premier in Ankara when the 1974 invasion was launched in reaction to the Greek-led coup attempt) pointed to the strategic importance of Cyprus for Turkey's own security. The possibility of military action had to be taken seriously: the United States, which had made clear its opposition to the Greek Cypriot purchase from the beginning, also declared any Turkish military response unacceptable. The UN secretary-general and European governments took similar positions.

Tensions remained high until the end of December 1998, when the Greek Cypriot government canceled the deployment entirely, under persistent pressure from the U.S. and European governments. The cancellation decision was taken in consultation with Athens, and preparations were made for the alternative deployment of the missiles on Greek soil in eastern Crete. Greek Cypriot officials suggested that the major consideration was not Turkish pressure, but rather protecting the accession negotiations from any adverse reactions on the part of EU member governments who opposed the missiles. It also appeared, however, that Athens had become wary of going ahead in the face of possible Turkish military action, which would be logistically difficult to counter, even if the Turks chose harassment measures short of a 'surgical strike.' Popular opinion in (Greek) Cyprus supported deployment to the end, and the reversal was a difficult political climb-down for President Clerides, not the least because he had favored the S-300 purchase in his narrow 1998 electoral victory." (Wilkinson June 1999, pp. 20-21)

### **The situation in 2000-2002**

"On 14 June 2000, the Security Council adopted a Resolution extending the mandate of the UN Mission in Cyprus, after lengthy discussions on a controversial addendum to the Secretary-General's Report, which referred to the position of Turkish Cypriot 'authorities'. This was finally withdrawn.

The Turkish Cypriot side took measures against UNFICYP in reaction to the withdrawal of the addendum to the UN resolution on 15 June. These measures include limitations to the movement of UNFICYP across the 180 km buffer zone. Further, the UN is now obliged to insure all its vehicles with Turkish Cypriot insurance companies and to allow the Turkish Cypriot authorities to collect the fees for the water, electricity and other services consumed by UN camps in the north. The UN expressed its disappointment at the measures.

In early July 2000 Turkish troops advanced 300m into Strovilia, the UN buffer zone. The Government protested to the UN, which demanded that the status quo be reinstated. The UN still has access to the 8 Greek Cypriots who are now enclaved in this area, as well as to their own UN sentry post, which is also enclaved by the Turkish forces." (EC 8 November 2000, p. 21)

"The military situation along the cease-fire lines remained calm, and air violations decreased by 50% during the last year. However according to the UN Secretary-General's report of June 2002, restrictions imposed on UNFICYP by the Turkish security forces in July 2000 continued to hamper UNFICYP operations while, similarly, the military status quo in the village of Strovilia was unchanged." (EC 9 October 2002, p. 25)

"The situation along the ceasefire lines was generally calm. There were, however, moments of tensions, due mainly to the National Guard improving its defensive positions and living quarters along the ceasefire line. The Turkish forces made some improvements to their observation posts, including a position near Pyla, a mixed village in the buffer zone.

There were 37 recorded air violations during this reporting period [30 May-15 November 2002]: 8 by National Guard aircraft, 24 by Turkish military aircraft, 2 by a Greek Cypriot civilian light aircraft and 3 by civilian aircraft from the north.

Restrictions imposed on UNFICYP in July 2000 by the Turkish forces and the Turkish Cypriot authorities continued, including the violation of the military status quo in the village of Strovilia, where recently Turkish soldiers have begun to carry loaded firearms during patrols.

The restriction of movements along the Famagusta-Dherinia road, imposed on 1 November 2000, continued to prevent UNFICYP from monitoring the entire fenced-off area of Varosha. Observation by UNFICYP is limited to a northern sector of the fence line and those areas within Varosha that are visible from static observation posts and a short patrol route, which is well away from the perimeter fence. The United Nations holds the Government of Turkey responsible for maintaining the status quo in Varosha.

Crossing the maritime security lines – the seaward extension of the median line of the buffer zone, that vessels of either side are advised, for their own safety, not to cross, continued. The number of crossings of the western line by Turkish forces, usually on resupply runs to the Kokkina pocket, was higher than in the last reporting period. On the eastern line, near Famagusta, Greek Cypriot fishing boats and pleasure craft were responsible for the high number of crossings.

An exploratory mission of the Mine Action Service of the Department of the Peacekeeping Operations visited the island during the reporting period to advise UNFICYP regarding the Government's intention to clear minefields laid by the National Guard within the buffer zone." (UNSC 15 November 2002, paras. 2-7)

*As of September 2004*, "The number of Turkish troops on the island as well as the nature of their equipment remains at the same level as before, fueling a continued perception of threat in the south. In addition, the restrictions of movement imposed in July 2000 by the Turkish forces/Turkish Cypriot security forces, notwithstanding their limited easing in May 2003, continue to hinder the operations of UNFICYP. The violation of the military status quo in Strovilia also persisted. There was also a worrying incident on 27 August [2004] when a bomb exploded at the St. Mamas church in Morphou, four days prior to the religious service by Greek Cypriots there." (UNSC 24 September 2004)

### **Northern Cyprus: authorities face growing critics and severe economic problems (2002-2005)**

- The Turkish Republic of Northern Cyprus (TRNC) is not recognized by any country except Turkey.
- Rauf Denktaş was declared "president" of the TRNC in 2000
- In April 2005, Mehmet Ali Talat was voted president to replace retiring leader Rauf Denktaş.
- Unlike Mr Denktaş, Mr Talat is a keen pro-European who has lobbied hard for the reunification of the island.
- The economic situation in the northern parts of Cyprus is still very weak and the population is undergoing severe hardships
- The northern part of the island continues to face severe shortages of capital, skill and business, resulting in growing emigration of younger educated generations

"Since 1974, the northern part of Cyprus has been governed by a Turkish Cypriot administration that proclaimed itself the "Turkish Republic of Northern Cyprus" ("TRNC") in 1983. The "TRNC" is not recognized by any country except Turkey. Rauf Denktaş was declared "president" of the TRNC in 2000. "Parliamentary" elections in December 2003 were generally free and fair and resulted in the formation of a

multiparty coalition government that elevated Mehmet Ali Talat to the position of "prime minister." The judiciary is generally independent. The "TRNC" "constitution" is the basis for the basic laws that govern north Cyprus." (U.S. DOS 28 February 2005)

"The *economic situation* in the northern parts of Cyprus is still very weak and the population is undergoing severe hardships more than a year after the economic and banking crises in Turkey had damaged economic activity in the north. Real output growth contracted by 3.6% in 2001, following a 0.6% fall in 2000. Consequently, per capita income has continued to decline in 2001, with the economic crisis aggravating the income gap with the rest of the island. Estimates put income at some €4,000 per head in 2001.

The northern part of the island has no independent monetary policy and uses the Turkish lira as its currency. As a result, high inflation is imported from Turkey and currently stands at more than 75% on an annual basis. Coupled with an attempted freeze on wages in the large public sector - public-sector wages were raised by only 8% for 2001 - the high inflation rate has undermined real wages. The loss of purchasing power by private-sector workers is of a similar order of magnitude. The northern part of Cyprus remains heavily dependent on fiscal transfers from Turkey. On an annual equivalent basis, Turkey provides at least €100-200 million in economic and financial support, in the form of direct aid, loans, subsidies and other grants. Turkey has promised aid of about €225 million for 2002-2005. However, the amount is set in Turkish lira, which effectively reduces real annual economic support by the high rate of inflation. In addition, in March 2002 it was announced that \$ 260 million will be given according to an investment incentive plan, but here the same remark applies. There have been further agreements on an *ad hoc* basis to support different items such as a protocol signed in July 2002 to finance the purchase of wheat and barley from producers in the north.

High inflation in combination with large trade and budget deficits of around 34% of GDP and 11% of GDP, respectively, have created an economic situation only sustained by transfers from Turkey. Trade is heavily dependent on the Turkish market. A new economic programme, the 'Economic Stability and Transition Programme based on Production Growth' was presented in September 2001 and revised in February 2002. Its primary aim is to set up a common economic area with Turkey, thereby further reinforcing the economic dependence on the latter. 'Duties' between Turkey and the northern part of the island have been suppressed, as long as products from the northern part of the island have received a certificate of origin issued by Turkish representatives in Nicosia.

The northern part of the island continues to face severe shortages of capital, skill and business. There is an increasing tendency that members of the younger generation with higher education emigrate to work abroad. (European Commission 9 October 2002, pp. 27-29)

In April 2005, "Turkish Cypriots have voted Mehmet Ali Talat as their new president, replacing retiring leader Rauf Denktash.

Mr Talat, a supporter of the island's reunification, is currently prime minister of the unrecognised Turkish Republic of Northern Cyprus.

Mr Talat won 55.6% of the vote, well ahead of his nearest rival, Dervis Eroglu, who won just 22.7%

Mr Denktash was a dominant figure on the island's political stage for more than half a century.

He was accused by Greek Cypriots, and by much of the international community, for inflexibility during talks to try to reunite Cyprus. [...]

Unlike Mr Denktash, Mr Talat is a keen pro-European who has lobbied hard for the reunification of the island.

As he cast his vote, Mr Talat underlined his determination to find a solution to the island's divisions.

"Today is a turning point," he said.

"We have to solve the Cyprus problem. We have to do this with the Greek Cypriot community." (BBC News 17 April 2005)

### **Turkish and Greek Cypriot authorities relax restriction of movements between north and south (April 2003)**

- Authorities in northern Cyprus announced easier movements to and from southern Cyprus
- This decision was done as public opinion in northern Cyprus expressed growing discontent about isolation
- Government in southern Cyprus also adopted series of measures facilitating movements of persons and goods from northern Cyprus

"The authorities in the breakaway Turkish north of Cyprus have announced that they will open access to the Greek Cypriot part of the island after nearly 30 years of enforced separation.

Turkish Cypriots will be able to go over the border, which is expected to be opened on Wednesday, for day-long crossings.

The move coincides with a series of confidence-building measures announced by the Greek-led Cypriot Government after the collapse of peace talks last month.

Until now, the two communities on Cyprus have been separated by a militarised UN buffer zone with virtually no contact between them.

While these steps will clearly go some way to ease the tension and the economic imbalance between the two communities, there are no signs that the key political issues of territory and sovereignty are any closer to being resolved, says the BBC's Tabitha Morgan in Cyprus.

Monday's announcement comes a week after the Greek Cypriots signed the European Union accession treaty paving the way for EU membership next year.

The EU says it will admit only the internationally recognised Greek part of Cyprus if the island is not unified in time for formal membership in May 2004.

Serdar Denktash, the deputy Turkish Cypriot prime minister and son of the president, said residents of the north would be permitted to enter the south every day provided they returned by midnight.

[...]

Greek Cypriot Foreign Minister George Iacovou also announced a series of proposals designed to allow trade between the two sides and to enable Turkish Cypriots to work in Greek part of the island.

The economy of northern Cyprus is in bad shape compared to that in the south, and many Turkish Cypriots are unemployed." (BBC News 22 April 2003)

"The question being asked on both sides of the UN line is why Mr Denktash, who for decades has discouraged contact between the two communities, has changed his mind.

Diplomats in Nicosia believe that, in part, he is responding to growing public discontent among Turkish Cypriots at their international isolation and economic deprivation.

Over recent months there have been large anti-government demonstrations in northern Nicosia." (BBC News 23 April 2003)

"The Greek-Cypriot authorities have announced a series of moves to end the isolation of the Turkish half of the divided island.

As of Friday, Turkish Cypriots will be able to trade in the south, and gain access to healthcare and other state benefits available to Greek Cypriots.

The Nicosia government will also start accepting official documents - such as car registration plates - issued by the breakaway north, which is only recognised by Turkey.

The measures follow last week's decision by the Turkish Cypriot Government to relax restrictions on movement between north and south, which allowed more than 130,000 people to criss-cross the border [...]

After last week's decision by the Turkish Cypriot authorities to ease travel restrictions with the south, an estimated tenth of the divided island's population - crossed the UN-patrolled 'Green Line'.

Queues stretched for several kilometres, with many people having to wait for hours to cross to the other side.

Also for the first time in almost 30 years, Greek Cypriots were allowed to stay up to three nights in hotels in the north, rather than being confined to day trips." (BBC 30 April 2003)

*See also "Turkish and Greek Cypriots enforce significant measures to ease travel between north and south (April-May 2003)" [Internal link]*

### **UN peace efforts: Both parties fail to reach an agreement (1974-2004)**

- Since 1974, the successive UN Secretary-General and their representatives have undertaken missions of good offices between the two communities
- The most recent initiative started in 1999, with the hope that a reunited island could join the European Union in April 2003
- On November 2002, the UN Secretary-General submitted a comprehensive settlement proposal, which was revised twice
- In March 2003, the process came to an end as it became clear that a referendum on the agreement would not be possible
- On 14 April 2003, the Security Council regretted the "negative approach" of the Turkish Cypriot leader
- In April 2004, The "Annan plan" was not adopted because, although 65 percent of Turkish Cypriots voted to accept it, 76 percent of Greek Cypriot voters rejected the proposal
- Since then, official contacts between leaders of both sides have ceased, signs of mutual distrust have reappeared and the UN has not restarted its good offices efforts

"Since the events of 1974, the situation in Cyprus has remained calm, although tension has arisen periodically. Both sides have generally respected the ceasefire and the military status quo. But, as the Secretary-General has repeatedly stated, the continuing quiet should not obscure the fact that there is only a cease fire in Cyprus, not peace. The Security Council has declared on numerous occasions that the status quo is not an acceptable option. In the absence of progress towards a settlement between the two sides, the overall situation remains subject to sudden tensions, generated by events outside as well as within Cyprus.

After the events of 1974, the Security Council requested the Secretary-General to undertake a new mission of good offices with the representatives of the two communities. Since then, the successive Secretaries-General and their Special Representatives have tried to find a formula acceptable to both the Greek Cypriots and the Turkish Cypriots.

The most recent intensive effort was undertaken between 1999 and early 2003. This effort was undertaken in the context of a unique opportunity which, had it been seized, would have allowed a reunited Cyprus to sign the Treaty of Accession to the European Union on 16 April 2003.

Under the auspices of the Secretary-General, proximity talks were held between December 1999 and November 2000, and direct talks between January 2002 and February 2003. During the process the parties were not able to reach agreement without third party assistance. Accordingly, the Secretary-General submitted a comprehensive settlement proposal on 11 November 2002, a first revision on 10 December 2002, and a second revision on 26 February 2003. The plan, entitled 'Basis for a Comprehensive Settlement of the Cyprus Problem', required a referendum in advance of 16 April 2003 to approve it and re-unify Cyprus.

The Secretary-General met the two leaders and representatives of the guarantor powers in The Hague on 10-11 March 2003, where it became clear that it would not be possible to achieve agreement to conduct such a referendum, and the process came to an end.

On 7 April, the Secretary-General submitted to the Security Council a report on his mission of good offices, covering the period between late 1999 and 11 March 2003. This report covered the key developments during the process, gave the Secretary-General's assessment of that process, explained the concepts behind the proposals he had submitted, and looked to the future.

As the Secretary-General stated in the report, his plan remained on the table. He did not propose to take a new initiative without solid reason to believe that the political will existed necessary for a successful outcome. In the Secretary-General's view, a solution on the basis of the plan could be achieved only if there was an unequivocally-stated preparedness on the part of the leaders of both sides, fully and determinedly backed at the highest political level in both Greece and Turkey, to commit (a) to finalize the plan (without re-opening its basic principles, or key trade-offs) by a specific date with the United Nations assistance, and (b) to put it to separate simultaneous referenda as provided for in the plan on a certain date soon thereafter.

On 14 April 2003, the Security Council expressed regret that, due to the 'negative approach' of the Turkish Cypriot leader, it had not been possible to put the Secretary-General's settlement plan to simultaneous referenda by Turkish and Greek Cypriots and, as a result, there would be no comprehensive agreement on reunification of the island before 16 April – the date that Cyprus's accession treaty to the European Union was to be signed.

Unanimously adopting resolution 1475 (2003), the Council gave its full support to the Secretary-General's 'carefully balanced plan' of 26 February 2003 as a unique basis for further negotiations, and called on all concerned to negotiate within the framework of the Secretary-General's good offices, using the plan to reach a comprehensive settlement as set forth in the Secretary-General's report (S/2003/398). The Council asked the Secretary-General to continue to make available his good offices for Cyprus." (UN DPI 2003)

“In resolution 1475 (2003) of 14 April 2003, the Security Council gave its full support to my “carefully balanced plan” as a “unique basis for further negotiations”, and called on all concerned to negotiate within the framework of my good offices, using the plan to reach a comprehensive settlement as set forth in my report.[...]

The settlement is an attempt to resolve a dispute that has been on the agenda of the Security Council for 40 years, the oldest item continuously on the Secretary-General's peacemaking agenda. While its adoption is a matter for the people of Cyprus to decide upon, its implementation would clearly be in the interest of

international peace and security in the region, and would thus fall within the primary responsibility of the Security Council.” (UNSC 16 April 2004)

*According to UN Secretary General Kofi Annan, “The plan envisages one independent and sovereign State, the United Cyprus Republic. That State is based on the parameters agreed between the parties since the 1970s — a bi-communal, bi-zonal federal structure, based on the political equality of the two communities.*

The plan prohibits partition or secession, domination by one side, or union with any other country. The plan ends the status quo. It ends the division of the country. It safeguards the identity of Cyprus and of each community in it. It preserves the integrity of the citizenship of the country.” (UN SG 21 April 2004)

“On April 24 [2004], Turkish Cypriots and Greek Cypriots voted in separate, simultaneous referenda on the plan proposed by U.N. Secretary General Kofi Annan (the "Annan Plan") to reunify the island after 30 years of division. The plan was not adopted because, although 65 percent of Turkish Cypriots voted to accept it, 76 percent of Greek Cypriot voters rejected the proposal.” (U.S. DOS 28 February 2005)

“Official contacts between leaders of both sides have ceased since the referenda, and signs of mutual distrust have reappeared. Presently, the position of the two sides on my mission of good offices remains as reported to the Council on 28 May 2004 (S/2004/437). Accordingly, I continue to see no basis for resuming my good offices as long as the impasse described in that report continues. While that impasse remains, my views as to the way forward may also be found in that report.” (UNSG December 2004)

*See also:*

*For comprehensive information on the UN good offices mission, see the [Report of the UN Secretary-General on his mission of good offices in Cyprus, 1 April 2003 \[Internet\]](#)*

*For more information on the peace plan prepared by the UN Secretary-General, see <http://www.cyprus-un-plan.org/> [Internet]*

*Information on previous UN peace initiatives, see [UN Nations Documents on the website of the Government of Cyprus \[Internet\]](#)*

### **UN Peacekeeping Force in Cyprus (UNFICYP): decisive support to the bi-communal dialogue (2003-2004)**

- UN Security Council established the UNFICYP in 1964 as a result of the bi-communal confrontation on the island
- Following the military intervention by Turkey in 1974, the UNFICYP has been required to inspect the buffer zone established between the opposing forces
- UNFICYP is confronted with hundreds of incidents of violation of the ceasefire line and the military status quo each year
- The peacekeeping force also discharges certain humanitarian functions for the minorities in the northern and southern parts of the island
- It also cooperates with the United Nations Development Programme, in particular in facilitating projects involving both communities
- The UN Security Council has regularly extended the mandate of the Force for six-month periods
- UNFICYP monitors the voluntary nature of permanent transfer of Greek Cypriots from the north to the south and facilitates family reunification
- Following the April 2004 referendum, the role of UNFICYP has again become particularly important since the mission remains the only UN political interface on the island

"On 15 February 1964, after all attempts to restore peace on the island had failed, the representatives of the United Kingdom and of Cyprus requested urgent action by the Security Council. On 4 March 1964, the Council unanimously adopted resolution 186 (1964), by which it recommended the establishment of the United Nations Peacekeeping Force in Cyprus (UNFICYP). The Force became operationally established on 27 March 1964.

The mandate of UNFICYP was originally defined in the following terms: '...in the interest of preserving international peace and security, to use its best efforts to prevent a recurrence of fighting and, as necessary, to contribute to the maintenance and restoration of law and order and a return to normal conditions.' That mandate, which was conceived in the context of the confrontation between the Greek Cypriot and Turkish Cypriot communities in 1964, has been periodically extended by the Security Council.

A coup d'état in Cyprus on 15 July 1974 by Greek Cypriot and Greek elements favouring union with Greece was followed by military intervention by Turkey, whose troops established Turkish Cypriot control over the northern part of the island. The Security Council called for a ceasefire and laid the basis for negotiations between Greece, Turkey and the United Kingdom. A de facto ceasefire came into effect on 16 August 1974.

### **Maintenance of Ceasefire and Military Status Quo**

Following the hostilities of July and August 1974, the Security Council adopted a number of resolutions which have affected the functioning of UNFICYP and have required the Force to perform certain additional functions relating, in particular, to the maintenance of the ceasefire. Following the de facto ceasefire, UNFICYP inspected the deployment of the Cyprus National Guard and the Turkish and Turkish Cypriot forces, and ceasefire lines and a buffer zone were established between the areas controlled by the opposing forces.

The ceasefire lines extend approximately 180 kilometres across the island. The buffer zone between the lines varies in width from less than 20 metres to some 7 kilometres, and it covers about 3 per cent of the island, including some of the most valuable agricultural land. Strict adherence to the military status quo in the buffer zone, as recorded by UNFICYP at the time, has become a vital element in preventing a recurrence of fighting. UNFICYP maintains surveillance through a system of observation posts, and through air, vehicle and foot patrols.

The task of UNFICYP is significantly complicated by the absence of a formal ceasefire agreement. As a result, UNFICYP is confronted with hundreds of incidents each year. The most serious incidents tend to occur in areas where the ceasefire lines are in close proximity, particularly in Nicosia and its suburbs. The Force investigates and acts upon all violations of the ceasefire and the military status quo. Its reaction in each case depends on the nature of the incident and may include the deployment of troops, verbal and written protests and follow-up action to ensure that the violation has been rectified or will not recur. In addition to maintaining the military status quo, UNFICYP must also preserve the integrity of the buffer zone from unauthorized entry or activities by civilians. As a result, UNFICYP has from time to time become involved in crowd control.

In April 2002, UNFICYP destroyed some 4,500 assorted weapons purchased by the Government of Cyprus in 1972 and later placed under lock and key in the United Nations Protected Area under UNFICYP guard. The decommissioning ended on 21 May.

### **Civilian Police**

United Nations civilian police maintain close cooperation and liaison with the Cyprus police and the Turkish Cypriot police on matters having intercommunal aspects. Together with the line units they



contribute to law and order in the buffer zone and assist in investigations and in the Force's humanitarian activities.

### **Humanitarian Activities**

Another major function entrusted to UNFICYP is to encourage the fullest possible resumption of normal civilian activity in the buffer zone. To this end, it facilitates the resumption of farming in the buffer zone; assists both communities on matters related to the supply of electricity and water across the lines; facilitates normal contacts between Greek and Turkish Cypriots; provides emergency medical services; and delivers mail and Red Cross messages across the lines.

UNFICYP also discharges certain humanitarian functions for the Greek Cypriots and a small Maronite community living in the northern part of the island. It also periodically visits Turkish Cypriots living in the southern part of the island and helps them maintain contact with their relatives in the north.

The Force cooperates with the United Nations High Commissioner for Refugees in providing humanitarian assistance to needy displaced persons in Cyprus, and with the United Nations Development Programme, in particular in facilitating projects involving both communities.

### **UNFICYP is Still Indispensable**

In the absence of a political settlement to the Cyprus problem, the mandate of the Force has been periodically extended. At the end of every six-month mandate period, the Secretary-General has reported to the Security Council, that in the light of the situation on the ground and of political developments, the continued presence of UNFICYP remains indispensable, both in helping to maintain calm on the island and in creating the best conditions for his good offices efforts. For its part, the Council has regularly extended the mandate of the Force for six-month periods.

Most recently, the mandate of UNFICYP was extended until 15 June 2003 by Security Council resolution 1442 (2002), adopted on 25 November 2002. By that resolution, the Council urged the Turkish Cypriot side and Turkish forces to rescind restrictions on the Mission's operations and to restore the military status quo ante of Strovilia, a small hamlet inhabited by Greek Cypriots.

The Security Council acted on the recommendation of the Secretary-General, whose latest report on the divided island said that even though the situation along the ceasefire lines remained calm, the conditions under which UNFICYP operated were still difficult due to restrictions imposed on the Force by the Turkish Cypriot authorities and Turkish forces on 30 June 2000. Those restrictions remained in force despite efforts to have them lifted and to have the military status quo ante at Strovilia restored. In the current circumstances, the Secretary-General considered the presence of UNFICYP essential for the maintenance of the ceasefire on the island." (UN DPI 2003, Background)

### ***Permanent transfer***

"Pending a settlement, UNFICYP has continued, under its mandate, to discharge humanitarian functions on behalf of the 429 Greek Cypriots living in the northern part of the island in December 1999. UNFICYP officers have continued to interview, in private Greek Cypriots who applied for 'permanent transfer' to the southern part of the island in order to verify that the transfer was voluntary." (UNCHR 17 February 2000, para. 10)

### ***Selected activities***

"UNFICYP facilitated 28 events bringing together some 13,000 Greek and Turkish Cypriots in the buffer zone. The annual United Nations day celebrations in October drew a record crowd of 7,500. In September, 3,500 persons attended a youth festival organized by political parties from both sides. Other events included gatherings of politicians under the aegis of the Slovak Embassy, meetings between businessmen and representatives from the Greek Cypriot and Turkish Cypriot Chambers of Commerce, and seminars for

architects, engineers, paramedics, information technology experts, teachers and musicians. The Turkish Cypriot authorities denied permission for Turkish Cypriots to participate in some events.

UNFICYP continued to perform its mandated humanitarian tasks in support of the 426 Greek Cypriots and 160 Maronites living in the north of the island and the 486 Turkish Cypriots in the south who have made themselves known to the Force. UNFICYP facilitated the transfer of a 91-year-old Greek Cypriot woman living in the south back to her native village in the north. UNFICYP also facilitated the annual summer visit by Greek Cypriot children in the south to their families in the Karpas peninsula and a visit to Maronite villages in the north by Greek Cypriot men living in the south who are married to Maronites.

UNFICYP facilitated the return of a Greek Cypriot who had entered the north and was sent back by the Turkish Cypriot authorities via Turkey and Greece, instead of the crossing point in Nicosia, as had been the practice. In recent months, UNFICYP witnessed around 30 instances of non-Cypriots crossing the buffer zone into the south.

UNFICYP continued to support civilian activities in the buffer zone. With the cooperation of both sides, UNFICYP opened Dionysou Street in the old town of Nicosia for civilian use. UNFICYP facilitated a service for Latins and Maronites in the Latin Cemetery located in the buffer zone, adjacent to the United Nations Protected Area — the first such service to be held since 1974. UNFICYP further assisted in the desilting of the Marathassa dam, which now provides sufficient water to the north to double its water storage capacity. It also arranged the repair of an old irrigation aqueduct in the Avlona village, repair of the Liminitis water pipeline and resumption of the spring-water supply from Yerakies in the south to Lefka in the north." (UN SC 15 November 2003, paras. 8-11)

“Following the April [2004] referenda, the role of UNFICYP has again become particularly important since the mission remains the only UN political interface on the island. The sides regard UNFICYP's facilitator role as critical in the prevailing context.

The mission's political role has also grown in scope in view of the numerous confidence-building initiatives, the need to deal with the present uncertainty on key political questions and the concomitant potential for frictions on the island.” (UNSC 24 September 2004)

To view the UNSC resolution extending the UNFICYP mission until June 2005, please see: [Security Council Resolution 1568](#) (22.10.2004)

## **EU warms up to Turkish Cypriots, following their approval of the Annan Plan (2004-2005)**

- Financial assistance to Turkish Republic of Northern Cyprus delayed by Greek Cypriot side

“Premier Mehmet Ali Talat of Turkish Republic of Northern Cyprus (TRNC) met European Union (EU)-Turkey Joint Parliamentary Commission (JPC) Co-Chairman Joost Lagendijk on Saturday.

Lagendijk said that Greek Cypriot side should now give up preventing the implementation of direct trade and financial assistance regulations which is prepared by European Commission for TRNC. I clearly express this view to Greek Cypriot officials, he added.

The EU is responsible for not implementing these regulations for one year and EU's approach in this issue cannot be defended, he said.

"I do not want to see Turkish Cypriots under isolation. I would like to see them at European Parliament. However, it is important to settle a united Cyprus on the basis of Annan Plan. A progress has not been

recorded yet about this issue. I hope there will be a development soon," he noted." (Turkishpress.com 9 April 2005)

*To see the EU proposal for establishing an instrument of financial support for encouraging the economic development of the Turkish Cypriot community, please see European Commission, July 2004, Proposal for a COUNCIL REGULATION establishing an instrument of financial support for encouraging the economic development of the Turkish Cypriot community [reference below]*

### **Signs of improved relations between Greece and Turkey (2005)**

- Cyprus question would likely be discussed in meeting in April
- EU signals that Turkey needs to recognise Cyprus government

"Greek Foreign Minister Petros Molyviatis' visit to Turkey is expected to enhance ongoing dialogue and cooperation between Turkey and Greece, sources said on Tuesday.

The same sources noted that bilateral relations between Turkey and Greece were developing "towards partnership", and stated that "mutual dependence atmosphere was occurring" between the two countries.[...]

The same sources stated that two countries could cooperate particularly in areas such as economy, trade, energy, tourism and transportation and could increase investments.

Recalling that 11 confidence-building measures had been adopted in the Aegean, the sources said that new confidence-building measures were under discussion.

On the other hand, Turkey also thinks that the exploratory talks, the 30th of which will be held in coming days, should continue. These talks are under way for three years.

Another matter which is expected to be taken up during Molyviatis' talks with Turkish officials will be Turkey's European Union (EU) membership bid. Turkey expects Greece to reiterate its support to this bid. Meanwhile, the same sources added that Cyprus problem, and the problems of Turks living in Western Thrace could also be discussed during Molyviatis' visit to Turkey." (Turkishpress.com 12 April 2005)

"Turkey must extend a European Union customs accord to include Cyprus before October [2005] if it wants to start accession talks with the 25-member bloc, Cypriot President Tassos Papadopoulos warned on Tuesday.

He said signing the protocol would be the "first significant step in normalising relations between the Cyprus Republic and Turkey."

Cyprus is the only EU member with which Turkey has no formal diplomatic ties.

"Turkey must sign the protocol extending the customs union to all new EU member states, including Cyprus, before October 3 when it is set to commence accession negotiations," Papadopoulos told reporters before leaving for Brussels where he will also meet Greek Prime Minister Costas Karamanlis.

Turkey hopes to start talks on joining the EU in October after winning a green light from EU leaders in December, but the bloc has said Ankara must sign the agreement to cover Cyprus first.

The EU expects Turkey to fulfill its commitment to sign the adaptation Protocol of the Ankara Agreement, an updated version of an already-existing customs agreement between Turkey and the EU, taking into account the bloc's 10 new member states which joined last year -- including Cyprus.

While Turkey insists that extending the customs accord to Cyprus does not amount to official recognition of the Mediterranean island state, the EU says it amounts to de facto recognition." (AFP 22 March 2005)

## **Causes of displacement**

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### **Intercommunal violence in 1964: 20,000 Turkish Cypriots forced to displacement**

- Assault of Turkish Cypriot villages by Greek paramilitaries and intercommunal violence during the first half of 1964 forced 20,000 Turkish Cypriots to displacement
- Most of the moves seem to have been spontaneous, but in some cases the people were ordered to leave and were prevented from returning to government-controlled areas by the Turkish paramilitaries
- Cypriot Armenians, who numbered 3,378 in 1960, were forced to leave the Turkish part of Nicosia

"On 21 December 1963 a street brawl in a Turkish quarter in Nicosia between a Turkish Cypriot crowd and [Greek Cypriot Minister of the Interior] Yorgadjis's plain-clothes special constables was followed immediately by a major Greek Cypriot attack by the various paramilitary forces against the Turks in Nicosia and in Larnaca. Although the TMT [Turkish Defence Organization] and Turkey's military contingent organized the defence of the Turkish Cypriot community, and there were acts of retaliation directed at the Greek Cypriots, there is no doubt that the main victims of the numerous incidents that took place during the next few months were Turks. Some 700 Turkish Cypriot hostages men, women and children, were seized in the northern suburbs of Nicosia. The mixed suburb of Omorphita suffered the most from an independent gang of Greek Cypriot irregulars led by Nixos Sampson who made a full assault on the Turkish Cypriot population. During the first half of 1964, fighting continued to flare up between neighbouring villages: 191 Turkish Cypriots and 133 Greeks were known to have been killed while it was claimed 209 Turks and 41 Greeks were missing and could also be presumed dead. There was much looting and destruction of Turkish villages. Some 20,000 refugees fled, many taking refuge in Kyrenia and Nicosia. Food medical supplies had to be shipped in from Turkey. Twenty-four wholly Turkish villages and Turkish houses in 72 mixed villages were abandoned. Most of the moves seem to have been spontaneous, but in some cases the people were ordered to leave and, once villagers had moved, the Turkish paramilitaries, now much expanded in numbers and known simply as 'the Fighters', ensured they did not return to government-controlled areas. The necessary basis for partition was being established." (Kyle December 1997, pp. 11-12)

"Half or more of the Turkish Cypriot community was now compressed into disconnected enclaves on the island. These fragments were loosely organized into groups of villages and sub-regions where full-time 'Fighters' units were stationed, and where Turkey Army were posted; and into seven regions, mostly based on the Turkish quarters in the towns, where civil government was controlled by district officers and the 'Fighters' were commanded by Turkish army colonels. [...]

The Cyprus Government imposed an economic blockade against the enclaves, which was soon modified under UN and Red Cross/Red Crescent pressures to let in quotas of food. Later, the passage of specific 'strategic materials' was prohibited; this was a large and growing list which severely affected economic activity. There was some passage and commerce between Greek and Turkish areas but this was subject to

much delay, tedious searches and -sometimes - instances of kidnapping and hostage-taking. This was perhaps inevitable when the two communities were on a permanent war footing; however, even then this atmosphere did not prevail everywhere. The UN was continually engaged in negotiations to secure Turkish Cypriot 'freedom of movement' without needless molestation, and to mediate complicated local arrangements about police patrols.

On 21 April 1967 democracy was overthrown in Greece, bringing to power a group of colonels, some of whom had experience of serving in Cyprus. [...]

Relations with Makarios, who did not fancy a union with a military dictatorship or its Cyprus intrigues, became increasingly strained. Makarios began cutting the budget of the National Guard and building up his own paramilitary force, the Tactical Reserve, and became more amenable to UN suggestions for easing tension. Roadblocks, for example, were removed from outside the Turkish quarters of Paphos and Limassol, and Turkish Cypriots were allowed to buy 'strategic materials'.

[...]

[I]n March 1968, the last economic restrictions were withdrawn from the Turkish enclaves - a gesture which was not reciprocated by the Turkish Cypriots who continued to maintain their roadblocks in order to bar Greek Cypriots who continued to maintain their roadblocks in order to bar Greek Cypriots from their enclaves." (Kyle December 1997, pp. 14-15)

#### Displacement of the Cypriot Armenians

"At the time of independence the Cypriot Armenians, who then numbered 3,378, were mainly living in the Turkish part of Nicosia near the ceasefire line and possessed a sixteenth-century monastery with 700 acres nearby. At the close of 1963, when the Constitution collapsed, they found themselves forced to move over to the south. The Government gave them land on which they build their churches and schools." (Kyle December 1997, p. 33)

### **Displacement during the Turkish military action in July-August 1974: a review by the European Commission of Human Rights**

- The overwhelming majority of the Greek Cypriot population from the northern area has been displaced as a direct consequence of the Turkish military action in 1974
- Fed by rumors of the Turks' actions in July 1974, most of the Greek Cypriot population in the north displaced during 1974 (190,000 persons) fled their homes at word of the Turks' approach
- Large number of Greek Cypriots who remained in the north of Cyprus after the arrival of the Turkish troops were uprooted as a result of various measures of displacement
- Concurrently, about 50,000 to 60,000 Turkish Cypriots fled north, including many who had been displaced before

"Turkey invaded Cyprus in 1974, after a coup backed by Greece's military junta removed the legal president. The invasion caused some 180,000 to 200,000 Greek Cypriots to flee south spontaneously. Concurrently, about 50,000 to 60,000 Turkish Cypriots fled north, including many who had been displaced before." (USCR 1998, p. 172)

#### Findings of the European Commission of Human Rights

##### *"I. General*

Since it is common knowledge that the overwhelming majority of the Greek Cypriot population from the northern area has been displaced as a consequence of the Turkish military action in 1974 the Commission does not consider that specific evidence corroborating this is needed. As regards the number of persons

affected, the Commission accepts as credible the figures mentioned by witness Iacovou i.e. about 182,000 displaced Greek Cypriots in September 1975.

## *II. Movements of persons provoked by the military action of Turkey*

The Commission considers that the evidence before it shows that the vast majority of displaced Greek Cypriots left the north of Cyprus as direct consequence of the military action of Turkey.

Many fled during the first phase of this operation [20-22 July 1974] from the areas where actual fighting took place, or from areas considered to be in danger of becoming the theatre of military operations. There then developed in the Greek Cypriot population a sentiment of fear and horror about the reported conduct of the Turkish troops - a sentiment convincingly described by witness Odysseos and Kaniklides who came from places as far apart as Morphou and Famagusta - and, during the second phase of the military action [14-16 August 1974], whole areas were evacuated by their Greek Cypriot residents before the Turkish army reached them.

[...]

The Commission was not able to establish the exact figure of persons who fled. It assumed, however, that they were more than 170,000 since all other categories of displaced persons together make up only a few thousand out of the above-mentioned total of 182,000.

## *III. Measures of displacement not directly connected with the Turkish military action in the phases of actual fighting*

The commission considers that the evidence before it establishes that a large number of Greek Cypriots who remained in the north of Cyprus after the arrival of the Turkish troops were uprooted from their normal surroundings and temporarily subjected to various measures of displacement.

### (a) Evictions from houses and transportation to other places within the north of Cyprus

The range of these measures included the eviction of Greek Cypriots from houses including their own houses, the assembling of them at certain places, forcible excursions to other places where they were held for periods ranging from several hours to several days, and their transfer to prisons, detention centres or other detention places.

Such measures were not only described in a considerable number of individual statements, some of them corroborating each other, including statements made orally to the Commission's Delegation in Cyprus. They were also confirmed in reports of the United Nations and of the International Committee of the Red Cross which leave no doubt as to their correctness.

### (b) Expulsion across the demarcation line

The Commission finds it established that there was an organised operation for the expulsion of the remaining civilian population of some villages in the Kyrenia district (Trimithui, Ayios Georgios, Karmi) to the south of Cyprus by driving them in buses to the green line at the Ledra Palace Hotel in Nicosia on 2 August 1974. Several persons gave the Commission's Delegation a detailed description of these events, which were also confirmed in written statements submitted to the Commission. Moreover, witness Soulioti saw the arrival of these expellees and arranged their accommodation, and a UN report based on UNFICYP sources apparently concerns the same events although no places or names are mentioned.

Taking into account its above finding, the Commission finds strong indications that the other group expulsions mentioned by witness Soulioti also happened in the way described. This concerns, in particular the alleged expulsion of persons from the Karpasia area in June 1975, which was also mentioned by a number of other witnesses. The Commission's Delegation saw a film of persons who stated that they were expelled in June 1975, and they were also given a copy of an official letter to the ICRC in Nicosia

protesting against these expulsions. However, the Commission has been unable to establish whether applications for transfer to the south were made by a number of these persons and, if so, whether such applications were made voluntarily.

With regard to other group expulsions, especially those during the second phase of the Turkish military operation, the Commission disposes only of hearsay evidence.

(c) Negotiated transfer of prisoners and detainees including those detained in Turkey

The fact that several thousand Greek Cypriot prisoners and detainees, including those detained in Turkey, became displaced as a consequence of their transfer and release to the south of Cyprus under the provisions of the Geneva Declaration [of the Foreign Ministers of Greece, Turkey and the United Kingdom of 30 July 1974] and various intercommunal agreements is common knowledge.

The Commission has not fully investigated to which extent these persons had an option to return to their homes in the north of Cyprus. It observes that the permission for the return of 20% of the prisoners from Turkey to their homes in the north of Cyprus could only be achieved with difficulties, but one could assume in the circumstances that the remainder of this group of prisoners were persons who had actually opted for their release to the south. On the other hand it appears from the testimony of witness Perkettis that prisoners were not asked where they wanted to be released.

With regard to persons who had been detained in detention centres in the north of Cyprus, the Commission finds it established that they were virtually barred from returning to their homes in the north of Cyprus. Only very few of them were released in the north. This is recorded in public documents of the United Nations. Moreover, the statements made by UNHCR and ICRC representatives at the intercommunal meeting of 7 February 1975, the record of which the Commission accepts as correct, indicate the will of these persons to remain in the areas under Turkish control was broken by the conditions imposed on them. Mr. Zuger expressly stated, 'They want to go south because they are not allowed to go back to their homes.'

In addition, some witnesses conveyed their impression that the detention centres were a special device for the evacuation of the Greek Cypriot population from the north of Cyprus.[...] In the light of the above the Commission finds a strong indication that evacuation of the Greek Cypriot population was a purpose of the detention centres."

(European Commission of HR 10 July 1976, paras. 185-196)

*The Commission concluded that, by the refusal to allow the return of more than 170,000 Greek Cypriot refugees to their homes in the north of Cyprus, Turkey violated Art. 8 of the European Convention on Human Rights. The Commission confirmed again the existence of this violation in 1983 and 1999.*

*The Commission also concluded in 1976 that, by the eviction of Greek Cypriots from houses, including their own homes, by their transportation to other places within the north of Cyprus, or by their deportation across the demarcation line, Turkey equally violated Art. 8 of the Convention.*

### **Displacement continues as a result of population transfer and human rights violations (1975-2003)**

- Following talks held between the representatives of the two communities in Vienna in 1975, Turk Cypriots remaining in the south were allowed to leave for the north
- 10,000 Greek Cypriots who had stayed in the north could either stay and enjoy full minority rights or leave
- Most of the Greek Cypriots and Maronites still living in the north in 1975 have left as a result of harassment; they have since then been prevented from returning by the Turkish Army

- In a 2001 judgement, the European Court of Human Rights held that living conditions of Greek Cypriots living in northern Cyprus violate European Human Rights Convention
- In 2003, the Parliamentary Assembly of the Council of Europe demanded that the Turkish Cypriot administration improves the human rights situation of Greek Cypriots and Maronites in the North
- Only about 480 Turkish Cypriots are believed to still be living in the south as of 2002

#### Population transfer

"After the fighting ended in 1974 when the Turks halted their advance, Clerides and Denktas began meeting again. By the following year they had agreed that those Turkish Cypriots who had been attempting (with great difficulty) to leave for the north, would be allowed to do so [Vienna talks 31 July - 2 August 1975 or 1975 Vienna III Agreement]. In return the 10,000 or so Greek Cypriots who had stayed in the north could either stay and enjoy full minority rights or leave if they genuinely wanted to. The Turkish Cypriots subsequently termed this an "Exchange of Populations Agreement" - a phrase no doubt intended to echo the 1923 Treaty of Lausanne, when a major population transfer between Greece and [Turkey] was supposed to have ended the feud between them. But no such language was in the 1975 agreement. In the event, nearly all the Greek Cypriots in the north left in the next few years, complaining of harassment; they were prevented from returning by the Turkish Army along its ceasefire line. By 1996, there were only 486 Greek Cypriots in the north living in two villages in the Karpas and 187 Maronites in the Kormakiti region. Of the Turkish Cypriots living in the south, 343 were known to the UN.

Apart from these small exceptions the island has been transformed into two-mono-ethnic zones, with an impassable (to most Cypriots) barrier between them running across the island and cutting through the walled city of Nicosia. The ceasefire line is supervised by the UN, who maintain and police a buffer zone, generally two to four and a half miles wide but narrowing down to a very short distance indeed in parts of Nicosia. The two front lines run for 112 miles across the island with 22 permanent staffed observation posts. Under the Cyprus Government's rules, foreign visitors (and journalists) can cross the buffer zone from south to north provided that they return to the south overnight. Visitors on the Turkish side may not cross the other way because, according to the same rules, they will have entered the country illegally, (though pre-1974 foreign residents can)." (Kyle December 1997, p. 19)

"Pending a settlement, UNFICYP has continued, under its mandate, to discharge humanitarian functions on behalf of the 429 Greek Cypriots living in the northern part of the island in December 1999. UNFICYP officers have continued to interview, in private, Greek Cypriots who applied for 'permanent transfer' to the southern part of the island in order to verify that the transfer was voluntary." (UNCHR 17 February 2000, para. 10)

#### Protection for the minority groups under the 1975 Vienna III Agreement

"Both the Government of Cyprus and the Turkish Cypriot administration have constitutional or legal bars against discrimination. The basic agreement covering treatment of Greek Cypriots and Maronites living in the north and Turkish Cypriots living in the south remains the 1975 Vienna III Agreement. This agreement provides for voluntary transfer of population, free and unhindered access by the UNFICYP to Greek Cypriots and Maronites living in the north and the Turkish Cypriots living in the south, and facilities for education, medical care, and religious worship." (U.S. DOS 25 February 2000, sect. 5)

#### Displacement of minority groups after 1975

"By 1975 President Clerides and the Turkish Cypriot leader Denktas, agreed that Turkish Cypriots who wished to leave for the north could do so, while the 10,000 or so Greek Cypriots remaining in the north could choose to stay with full minority rights or leave; nearly all left." (Kyle December 1997, summary)

"Maronites are the largest of the three minorities [officially recognised under the 1960 constitutional agreement, including the Maronites, the Armenians and the Latins], numbering c. 5,000. Before 1974 most



lived in four villages in the north. After 1974, 2,000 chose to remain in the Turkish-occupied areas; their number has been reduced to 170, whose average age is 68." (Kyle December 1997, summary)

"The segregation of Greek and Turkish Cypriots is virtually complete; the tiny minorities of Greeks and Maronites (Christian and Lebanese origin) in the north, and Turks in the south have survived with difficulty. The number of Greeks in the north declined from 2000 in 1997 to fewer than 500 (mostly elderly) people in 1997. In the same period, the number of Maronites declined from 1000 to fewer than 200. Only about 100 Turkish Cypriots are believed still to be living in the south. The 'enclaved' Greek Cypriot and Maronite communities in northern Cyprus are subject to severe restrictions of movement and civil rights." (Dammers 1998, p. 197)

"In 1994, there were credible reports that Greek Cypriot police beat and expelled to the northern portion of the island a number of Turkish Cypriots." (USCR 1995, p. 134)

#### The situation of the Greek Cypriot minority in Northern Cyprus: A review by the European Commission of Human Rights

"The Commission first recalls its findings in its 1976 Report on applications Nos. 6780/74 and 6950/75 (paras. 221 - 231) according to which at that time some 7000 to 8000 enclaved Greek Cypriots were still living in their homes, mainly in the Karpas area, and that they were subjected to a curfew and restrictions of movement. Furthermore, in its 1983 Report on application No 8007/77 the Commission noted the applicant Government's complaint that the remaining Greek Cypriots in northern Cyprus were forced by 'inhuman methods' to leave their homes and to take refuge in the south; about 7000 Greek Cypriots allegedly had been 'forced to sign applications to leave the occupied area', in which only 940 Greek Cypriots remained enclaved in February 1983 (D.R. 72, p. 39, para. 124). The Commission also noted the respondent Government's submission that the return of Greek Cypriots to the north other than those envisaged in the exchange of population agreement would endanger the bi-zonal solution which constituted the only basis for the peaceful co-existence of the two communities in the future and that the Greek Cypriots who moved to the south were doing so of their own free will within the framework of an agreement reached between UNFICYP and the Turkish Cypriot administration whereby UNFICYP verified that their wish to move south was genuine and that they had not submitted their application under pressure of any sort (ibid. p. 40, para. 127). (European Commission of HR 4 June 1999, para. 410)

"Finally, the Commission observes that, taken as a whole, the daily life of the Greek Cypriots in northern Cyprus is characterised by a multitude of adverse circumstances. The absence of normal means of communication, the unavailability in practice of the Greek Cypriot press, the insufficient number of priests, the difficult choice before which parents and schoolchildren are put regarding secondary education, the restrictions and formalities applied to freedom of movement, the impossibility to preserve property rights upon departure or death and the various other restrictions create a feeling among the persons concerned of being compelled to live in a hostile environment in which it is hardly possible to lead a normal private and family life. As these adverse circumstances in the living conditions are to a large extent the direct result of the official policy conducted by the respondent Government and its subordinate local administration, they constitute factors by which the above interferences with the rights of the enclaved Greek Cypriots under Article 8 of the Convention are aggravated." (European Commission of HR 4 June 1999, para. 489)

"In the present case the Commission notes that the general living conditions of Greek Cypriots resident in northern Cyprus were imposed on them in pursuit of an acknowledged policy aiming at the separation of the ethnic groups in the island in the framework of a bi-communal and bi-zonal arrangement. This policy has led to the confinement of the Greek Cypriot population still living in northern Cyprus (other than Maronites) within a small area of the Karpas peninsula. There is a steady decrease of their numbers as a result of specific measures which prevent the renewal of the population. Moreover, their property is confiscated if they die or leave the area. As it was noted in the UN humanitarian review [...], the restrictions imposed on them have the effect of ensuring that "inexorably with the passage of time, those communities (will) cease to exist in the northern part of the island". The Commission considers that despite

recent improvements in certain respects the hardships to which the Greek Cypriots living in the Karpas area of northern Cyprus were subjected during the period under consideration still affected their daily life to such an extent that it is justified to conclude that the discriminatory treatment complained of attained a level of severity which constitutes an affront to their human dignity." (European Commission of HR 4 June 1999, paras. 498-499)

*In 2003, "The [Parliamentary] Assembly [of the Council of Europe] insists that the Turkish Cypriot administration controlling the northern part of Cyprus, as well as Turkey, which assumes *de facto* legal co-responsibility in this part of the island as indicated in paragraph 3 above:*

- i. cease all humiliation of the Greek and Maronite communities and put an end to the climate of intimidation;
- ii. end the dispossessions affecting members of these communities by returning to them the property and possessions of which they have been arbitrarily dispossessed, individually or collectively, or failing that offer them just compensation;
- iii. ensure freedom of education and worship for Orthodox Christians and Maronites;
- iv. end all the restrictions on movements across the demarcation line and immediately grant Greek Cypriots living in the northern part of Cyprus at least the same rights as those already granted to Maronites;
- v. grant all inhabitants the right to an effective remedy;
- vi. ensure equal access to medical care;
- vii. permit the communities to freely choose their own representatives." (CoE, Parliamentary Assembly, 24 June 2003, "Maronites")

***In its judgment dated 10 May 2001, the European Court of Human Rights held that there had been the following violations of the European Convention on Human Rights regarding the living conditions of Greek Cypriots in Karpas region of northern Cyprus:***

"a **violation of Article 9** (freedom of thought, conscience and religion) in respect of Greek Cypriots living in northern Cyprus, concerning the effects of restrictions on freedom of movement which limited access to places of worship and participation in other aspects of religious life;

a **violation of Article 10** (freedom of expression) in respect of Greek Cypriots living in northern Cyprus in so far as school-books destined for use in their primary school were subject to excessive measures of censorship;

a **continuing violation of Article 1 of Protocol No. 1** in respect of Greek Cypriots living in northern Cyprus in that their right to the peaceful enjoyment of their possessions was not secured in case of their permanent departure from that territory and in that, in case of death, inheritance rights of relatives living in southern Cyprus were not recognised;

a **violation of Article 2 of Protocol No. 1** (right to education) in respect of Greek Cypriots living in northern Cyprus in so far as no appropriate secondary-school facilities were available to them;

a **violation of Article 3** in that the Greek Cypriots living in the Karpas area of northern Cyprus had been subjected to discrimination amounting to degrading treatment;

a **violation of Article 8** concerning the right of Greek Cypriots living in northern Cyprus to respect for their private and family life and to respect for their home;

a **violation of Article 13** by reason of the absence, as a matter of practice, of remedies in respect of interferences by the authorities with the rights of Greek Cypriots living in northern Cyprus under Articles 3, 8, 9 and 10 of the Convention and Articles 1 and 2 of Protocol No. 1." (ECHR 10 May 2001)

*For updated information, see [Rights and Fundamental Freedoms of Greek Cypriots and Maronites living in the Northern Part of Cyprus](#), a report for the Parliamentary Assembly of the Council of Europe, 20 February 2003 [Internet]*

*As of November 2002, 426 Greek Cypriots and 160 Maronites live in the north of the island, while 486 Turkish Cypriots live in the south (UNSC 15 November 2002, para. 9)*

# POPULATION PROFILE AND FIGURES

## Global figures

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### **Total internally displaced population: 210,000 persons (April 2005)**

- The government of Cyprus reports a total of 265,000 IDPs, but this number may include children born after the displacement crisis
- Internally displaced persons make up a third of the total population of the island
- Since December 1999, Cypriot internally displaced persons have no longer been included in UNHCR statistics for IDPs of concern to the organisation

*The Global IDP Project uses the figures estimated by UNFICYP. These figures have remained constant since 2001. (April 2005)*

The displacement in Cyprus is the longest standing in the region, and includes about 200,000 Greek Cypriots displaced in the south of the island and about 65,000 Turkish Cypriots displaced in the north. Cyprus's total population is 750,000, 78 percent of Greek origin, 18 percent Turkish, and 4 percent Maronite, Armenian, and other." (USCR 2000, p. 228)

UNHCR figures for 1999

"Population begin year 1999: 265,000 persons

Resettled within country: 265,000 persons

Population end 1999: -"

(UNHCR 1999, table I.3)

UNFICYP estimates as of end 2000

IDP population in northern Cyprus: 45,000 persons

IDP population in southern Cyprus: 165,000 persons

Total IDP population: 210,000 persons

(UNFICYP 2 February 2001)

*See also "[National IDP status is transmissible to children of IDPs \(2002\)](#)" [Internal link]*

## Geographical distribution

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### **The ethnic partition has noticeably affected the socio-demographic balance of the island (1974-1991)**

- The objective of some Turkish Cypriot leaders to create a homogeneous Turkish Cypriot territory has been met, with 18 % of the total population of the island living on 39% of the territory
- The occupied area however lost a third of its population and is largely underpopulated, especially in the district of Famagusta

- The Turkish Cypriots decided not to repopulate the Greek Cypriot city of Varosha which they intend to reconstitute to the Greek Cypriots if negotiations succeed, while the Karpas peninsula is planned to stay durably under Turkish control
- Migrants from Turkey, mainly from the region of Anatolia, were brought into the Turkish-controlled zone and immediately provided with citizenship rights
- The population in the government-controlled area globally increased by 37% between 1974 and 1991 as a result of the displacement of the Greek Cypriot populations from the north of the island
- Following the return of the persons displaced from the immediate proximity of the demarcation line, and the arrival of the persons expelled from the Karpas, the displaced population stabilised around 194,000 persons, including more than 30,000 persons from the buffer zone
- About 75 % of the displaced population had a rural background and lost its subsistence means as a consequence of the displacement
- The 50,000 displaced from urban origin came mainly from the district of Famagusta
- The majority of the displaced population settled in the main cities: Nicosia, Larnaca and Limassol which hosts a large proportion of the displaced from Varosha
- The displaced stayed in the vicinity of their former homes, which explains the concentration of the displaced population in the non-occupied part of the Famagusta district
- The Paphos area did not receive any substantial displaced population as a result of the prevailing depressed economic situation there
- Despite their rural origin, the displaced did not occupy the villages abandoned by the Turkish Cypriots, in particular in the west part of the island, where some villages are still deserted
- The total population of the island has slightly increased since 1974 but the population density of the southern part of the island is now twice as much as the density in the north

"L'objectif poursuivi par une partie des dirigeants chypriotes turcs depuis 1958 est atteint et même dépassé: non seulement la population turque est regroupée dans un espace d'un seul tenant, mais celui-ci est très important: près de 39% de la superficie pour 18% de sa population.

En 1976, en dépit de l'arrivée des immigrants d'Anatolie, la zone occupée ne compte que moins des deux tiers de sa population d'avant 1974 (64%). Le sous-peuplement est perceptible partout, mais il est particulièrement accentué dans le district de Famagouste. Les Turcs n'ont pas voulu repeupler la ville grecque de Varosha (trente-huit mille six cents habitants en 1973 dont trente et un mille huit cents Grecs), qu'ils prévoient de restituer si les négociations aboutissent. Le Karpas, qui fait aussi partie du district, est réservé à un projet géostratégique qui doit permettre à la Turquie de le conserver durablement.

Bien que Denktash ait quelque temps soutenu que les nouveaux arrivants n'étaient que des Chypriotes turcs ayant anciennement émigrés, il a attiré tous ceux qui voulaient bien venir, indépendamment de leur qualification. Introduits comme "main-d'oeuvre saisonnière", les Anatoliens ont été immédiatement pourvus d'une carte d'identité et d'un bulletin de vote. Leur effectif s'élèverait pour 1976 à vingt-sept mille trois cents habitants, non compris les troupes turcs d'occupation (vingt-cinq à trente-cinq mille habitants). Leur nombre s'est encore accru par la suite mais, faute de source sûre, on ne sait pas s'il a atteint le chiffre de soixante mille habitants donné par les Grecs.

La zone gouvernementale a globalement augmenté sa population de plus du tiers (37 %). Le départ de quarante-cinq mille Chypriotes turcs est largement compensé par l'arrivée de cent cinquante-huit mille Grecs de la zone occupée. Après le retour dans leurs foyers d'une partie des personnes qui vivaient à proximité immédiate de la ligne de démarcation, et l'arrivée des derniers expulsés du Karpas, l'effectif des réfugiés est stabilisé à cent quatre-vingt-quatorze mille hommes, dont plus de trente mille venant de la zone tampon. La proportion est considérable. Par rapport aux quatre cent quatre-vingt-dix-huit mille Grecs vivant dans l'île en 1976, elle dépasse 39 %. A l'échelle de la France après les événements de 1940, cela

aurait représenté plus de quinze millions de personnes à réinstaller en zone sud. C'est une charge écrasante pour une petite île sans ressources importantes.

Circonstance aggravante, près de 75 % des réfugiés (cent quarante-cinq mille) sont des ruraux. Une grande partie d'entre eux ont non seulement perdu leur habitation mais aussi leur potentiel économique : terres cultivables, outillage, systèmes d'irrigation. Les cinquante mille urbains sont en grande majorité originaires de Famagouste (trente-neuf mille). Ils ont aussi perdu leurs actifs, mais leur qualification leur permet d'en reconstituer une partie.

La majorité des personnes déplacées, quelle que soit leur origine, se dirigent vers les trois villes principales qui augmentent fortement leur population: Nicosie, Larnaca et surtout Limassol qui reçoit une part importante des expulsés de Varosha. Les réfugiés sont souvent restés à proximité immédiate de leur ancien domicile, ce qui explique leur forte concentration dans la partie non occupée du district de Famagouste, en dépit de sa faible superficie. Seule la région de Paphos est resté en marge du mouvement. Sa situation économique déprimée ne lui a pas permis de recevoir beaucoup de réfugiés. Malgré leurs origines rurales, ils n'ont pas réoccupé les villages abandonnés par les Turcs, notamment à l'ouest où certains sont encore déserts.

Les pertes grecques (victimes de la guerre et émigrants) ayant été compensées par l'immigration anatolienne, la population totale de l'île a légèrement augmenté. Mais la partition fait basculer l'équilibre du peuplement. Les densités moyennes des deux zones étaient en 1973 équivalentes. Depuis 1976, elles varient du simple au double (44 à 84). Le nord a perdu plus du tiers de sa population, et la zone gouvernementale a augmenté la sienne de 22 % . "

Evolution de la population dans la zone occupée						
District 1000h	1973			1976		
	Grecs	Turcs	Total	Grecs	Turcs	Total
Nicosie	38.5	44.8	83.3		67.5	67.5
Kyrenia	28.8	4.6	33.4		22.8	22.8
Famagouste	89.6	21.0	110.6	2.0	53.6	55.6
Larnaca	0.7	0.9	1.6		0.8	0.8
Total	157.6	71.3	228.9	2.0	144.7	146.7

(source: recensement de 1973 et estimations)

Evolution de la population en zone non occupée				
Par district	1973	1973	1973	1976
	Grecs	Turcs	Total	Grecs
Nicosie	146.0	1.0	147.0	197.5
Famagouste	16.5		16.5	24.1
Limassol	103.7	14.9	118.6	146.6
Larnaca	47.9	12.4	60.3	81.6
Paphos	48.0	15.4	63.4	48.1
Total	362.1	43.7	405.8	497.9

(\*) 400 habitants n'ont pas pu être répartis

(Drevet 1991, pp. 247-251)

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# PHYSICAL SECURITY & FREEDOM OF MOVEMENT

## Freedom of movement

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### Turkish and Greek Cypriots enforce significant measures to ease travel between north and south (2003-2005)

- Since April 2003, Turkish Cypriot authorities have allowed 3-day stay per week in Northern Cyprus for Greek Cypriots
- The Greek Cypriot government also enforced a series of measures to facilitate movements of persons originating from Northern Cyprus (May 2003)
- Since April 2003, Greek Cypriot checkpoint police have not required Turkish Cypriots to give advance notice of their intent to travel to the south or their planned itinerary and return date (Feb 05)
- Since April 2003, there have been over four million crossings of the buffer zone without major incidents (September 2004)

"The authorities in the breakaway Turkish north of Cyprus have announced that they will open access to the Greek Cypriot part of the island after nearly 30 years of enforced separation." (BBC 22 April 2003)

"On the first day that travel restrictions between the two sides of the island were eased, several hundred Greek and Turkish Cypriots had their first chance since 1974 to visit each other's half of Cyprus." (BBC 23 April 2003)

*See full text of the "[Decision of the Turkish Republic of Northern Cyprus \(TRNC\) Council of Ministers on Crossings from the TRNC to South Cyprus and from the South to the TRNC](#)", 21 April 2003 [Internet]*

*This decision was later amended to allow visitors from Southern Cyprus to stay up to 3 days per week in the "Turkish Republic of Northern Cyprus". The full text of this [amendment](#) can also be found on the website of the "Ministry of Foreign Affairs" of TRNC. [Internet]*

"In April 2003, the Government announced measures to facilitate Turkish Cypriot movement to and within government-controlled areas and access to Government services. However, it did not implement key aspects of the measures. On July 30, the Government announced a new "Green Line Regulation" that included measures to facilitate movement of vehicles such as trucks, taxis, and coaches across the buffer zone. Since April 2003, Greek Cypriot checkpoint police have not required Turkish Cypriots to give advance notice of their intent to travel to the south or their planned itinerary and return date. The Government did not limit the length of their stay, although most did not stay overnight. Turkish Cypriots could drive their personal vehicles, provided they had arranged insurance with a provider in the Greek Cypriot community." (U.S. DOS 28 February 2005)

"Perhaps the single recent event to have the most impact on the relationship between Greek Cypriots and Turkish Cypriots was the opening of four crossing points through the Green Line in April 2003. Despite the current absence of direct relations at the official level, contacts between ordinary Cypriots have continued to grow. Since April 2003, there have been over four million crossings of the buffer zone without major incidents." (UNSC, 24 September 2004)

*For more details on the measures adopted by the Government of Cyprus, see "The policy of the Government vis-à-vis the Turkish Cypriots (Set of measures)", Government of Cyprus 30 April 2003 [Internet]*

### **Limitations to movements between southern and northern Cyprus were in place until 2003 (2001-2005)**

- Government in southern Cyprus discouraged travel to the northern part of the island
- Turkish Cypriots traveling to the south also needed permission from the Turkish Cypriot authorities
- Since 2000, authorities in both parts of the island have suspended reciprocal visits to religious sites
- Turkish Cypriot authorities have also restricted the participation of Turkish Cypriots to bi-communal events
- Male Greek Cypriot cannot return home in the north if they perform military duties
- Movements of the Maronite and Greek community in the north remain restricted, but less than before
- In May 2001, the European Court of Human Rights condemned the Government of Cyprus for the mistreatment of Turkish Cypriots who were expelled to the north

"The [European] Court [of Human Rights] observes in the first place that the facts as found by the Commission confirm that, during the period under consideration, the right of the enclaved Greek Cypriots to family life was seriously impeded on account of the measures imposed by the 'TRNC' authorities to limit family reunification. Thus, it was not disputed by the respondent Government in the proceedings before the Commission that Greek Cypriots who permanently left the northern part of Cyprus were not allowed to return even if they left a family behind." (ECHR 10 May 2001, Case of Cyprus)

*In the opinion of the European Court of Human Rights, the imposition of these restrictions infringes the right to family of life and respect for home of the Greek Cypriot population, see (ECHR 10 May 2001, Case of Cyprus, paras.292-296) [Link below]*

"Republic of Cyprus authorities discouraged travel to the northern part of the island. They permitted day trips only by tourists to the north, sometimes arbitrarily refused permission to non-Cypriots to cross into the northern part of the island, and pressured foreigners working in Cyprus not to cross to the north. They declared it illegal to enter Cyprus except at authorized entry points in the south, effectively barring entry into the government-controlled area by foreigners who entered the country from the north.

Turkish Cypriots traveling to the south had to seek prior permission from the Turkish Cypriot authorities and had to provide them with an itinerary and the purpose of their travel. To pass the Greek Cypriot checkpoint, Turkish Cypriots had to provide their itinerary and the date they intended to return home to the Greek Cypriot checkpoint police. They did not need to notify the checkpoint police in advance, but did need to prove they were Turkish Cypriots. The Government did not limit the length of their stay in the south. Some Turkish Cypriots reported being followed by Greek Cypriot police during visits to the south.

Turkish Cypriot authorities generally allowed visits to the north by persons whose initial point of entry into Cyprus was in the south, but they denied entry to foreigners of Turkish Cypriot origin who had entered Cyprus through the south. In 1995 the Turkish Cypriot authorities instituted a policy under which foreign nationals of Greek Cypriot origin would be permitted to visit the Turkish Cypriot-controlled areas; however, implementation of the procedures remained inconsistent and visitors of Greek Cypriot or Armenian origin, or persons thought to have Greek or Armenian names, faced considerable difficulties



entering the north. In August 2001, Turkish Cypriot authorities refused entry to a foreign government delegation, which included a Greek-surnamed foreign national, on the grounds that the delegation had not provided enough notice.

All visitors had to obtain a formal 'TRNC visa' to enter the north. Maronites were charged the same fee of \$1.83 (1 Cyprus pound) each time they crossed. Requests to cross into the north had to be submitted 48 hours in advance.

Since 2000 Turkish and Turkish Cypriot forces operated a checkpoint in a location adjacent to the Greek Cypriot village of Strovilia and the British eastern SBA. Although access to Strovilia had been previously largely unimpeded, the checkpoint provided Turkish forces the ability to control the approach to the village. Despite protests from the UNFICYP and others, Turkish forces remained at the contested checkpoint at year's end in violation of the status quo. Turkish forces restricted UNFICYP movement, including refusing to allow the UNFICYP to operate a checkpoint in Kokkina.

In July 2000, the Government denied Turkish Cypriots land passage to Kokkina, a coastal area containing a Turkish Cypriot memorial and surrounded by government-controlled area. These visits were part of a 1997 reciprocal visit arrangement that also included travel to certain religious sites. In August and November 2000, Turkish Cypriot officials denied access to southern Greek Cypriots to visit one of these sites. Reciprocal visits have been suspended since 2000.

[...]

Turkish Cypriot authorities in the past had approved most applications for Turkish Cypriots to participate in bicomunal meetings in the U.N.-controlled buffer zone, but in December 1997, they suspended Turkish Cypriot participation in these meetings pending a reevaluation of bicomunal activities. The 'suspension' soon became a defacto Turkish Cypriot ban on bicomunal contacts on Cyprus. However, since June 2000, Turkish Cypriot authorities eased the ban, and on a case-by-case basis allowed some Turkish Cypriots to participate in bicomunal events in and across the buffer zone.

Greek Cypriots still had to obtain a Turkish Cypriot 'visa' to visit the north. Turkish Cypriot authorities also attempted to interfere with some bicomunal events taking place outside Cyprus by requiring civil servants to seek permission from their employer and the Turkish Cypriot 'Ministry of Foreign Affairs' before they could participate. Enforcement of the policy has been inconsistent, with some public officials permitted to attend off-island bicomunal events. Private citizens have been allowed to travel to off-island bicomunal events." (U.S. DOS 31 March 2003, sect. 2d)

"In 2000 Turkish Cypriot authorities announced the easing of restrictions on the 417 Greek Cypriots and 147 Maronites living in the north. Turkish Cypriot authorities usually granted applications of Greek Cypriot residents in the north to visit the government-controlled area. Visits to the south were limited to a total of 6 months per year. The applicants had to return within the designated period or they risked losing their right to return home and to keep their property, although this rule rarely was enforced in practice. Overnight stays by relatives of Greek Cypriots and Maronites living in the north also were limited to a 'reasonable period' (to be determined by Turkish Cypriot authorities), with extensions possible. There were also reports that Turkish Cypriot authorities prevented unlimited travel to the north by family relatives. Greek Cypriots visiting from the south could not travel to the north in their personal vehicles; they were obliged to use taxis or buses and pay crossing fees of \$1.83 (1 Cyprus pound).

Similar restrictions existed for visits by Maronite residents of the north to the government-controlled areas, but were applied much more loosely than those for Greek Cypriots, and Maronite travel is relatively unrestricted. Maronites whose relatives live in the northern part may travel to the north in their own vehicles, but still had to pay crossing fees.

Turkish Cypriot authorities permitted school holiday and weekend visits for all full-time Greek Cypriot and Maronite students, regardless of age and gender, who moved south to continue their studies. However, male

Greek Cypriot students must demonstrate they are not yet performing military duties. Greek Cypriots and Maronites resident in the north no longer require police permits for internal travel and may use private vehicles registered and insured in the north. Implementation of this policy has been inconsistent." (U.S. DOS 31 March 2003, sect. 2d)

"[Turkish Cypriot] Authorities maintained restrictions on the 403 Greek Cypriots and 140 Maronites living in enclaves in north Cyprus. During the year [2004], the authorities limited overnight stays by child relatives of enclaved Greek Cypriots and Maronites to a "reasonable period," with extensions possible. Immediate relatives of enclaved Greek Cypriots were exempt from the requirement that they stay at a hotel and instead could stay with their relatives." (U.S. DOS 28 February 2005)

*See also [Rights and Fundamental Freedoms of Greek Cypriots and Maronites Living in the Northern Part of Cyprus, a report for the Parliamentary Assembly of the Council of Europe, 20 February 2003 \[Internet\]](#)*

***Judgment of the European Court of Human Rights against the Government of Cyprus (May 2001)***

In 1998 the former European Commission on Human Rights agreed to investigate complaints by nine Turkish Cypriots that Greek Cypriot police mistreated them in 1994 and expelled them to the north. The complainants allege that they were threatened with death if they returned to the south and that Greek Cypriot police were responsible for the death of one complainant's son, after he returned to the south later in 1994. In May [2001] the ECHR found the Government of Cyprus responsible for inhuman treatment of the nine Turkish Cypriots and violation of their rights to liberty, security, and free movement. The Court awarded each complainant \$30,7767 (20,000 Cyprus pounds) in compensation, plus legal expenses amounting to \$38,470 (25,000 Cyprus pounds). In July and August, the Government of Cyprus compensated the complainants. (U.S. DOS 4 March 2002, sect. 1c)

*See also "[Judgment in the case of Denizi and Others v. Cyprus](#)", press released by the Registrar of the European Court of Human Rights [Internet]*

**The 'Annan Plan' for Cyprus: gradual restoration of the freedom of residence (2003)**

- The plan suggested an initial moratorium of freedom of establishment of residence
- At a later stage, authorities would have been allowed to impose limitations if number of residents from the other community had reached a determined percentage

"The issue of freedom of establishment of residence was extremely contentious. In their wish to avoid the intermingling of Greek Cypriots and Turkish Cypriots, the Turkish Cypriot side wanted the constituent states to have the unfettered right to decide who could establish residency therein -- this was their concept of 'bi- zonality'. The Greek Cypriots argued that the Turkish Cypriot position amounted to ethnic purity and that basic human rights and the principles of the *acquis communautaire* should allow any Cypriot citizen to settle anywhere on the island, any limitations being acceptable only in the first few years -- for them 'bi- zonality' meant only two distinct zones administered by Greek Cypriots and Turkish Cypriots respectively.

The plan suggests a very gradual approach to the establishment of residency by former inhabitants and other Greek Cypriots in the Turkish Cypriot State (and vice versa). Initially there would be a total moratorium, though people over 65 and their spouses (or one sibling), as well as former inhabitants (and their descendants) of four villages at the tip of the Karpas peninsula where some Greek Cypriots have remained since 1974, would be exempted from limitations after two years. After six years the moratorium would be lifted, but the constituent states would be authorized to impose limitations if the number of residents from the other constituent state in any given village (including any persons over 65) reached 7 per cent, and 14 per cent after 11 years. After the fifteenth year and until Turkey's accession to the European

Union, limitations could be imposed if 21 per cent of the population (including any persons over 65 or in the Karpas villages) hailed from the other constituent state. The power to impose these restrictions would have been specifically authorized by the European Union in the protocol to the Treaty of Accession.

It is my conviction that the dispute over this issue may have been based on unrealistic assumptions on both sides. I believe that fewer Greek Cypriots than the percentages indicated above would, in the end, wish to establish residence in the Turkish Cypriot State, meaning that these limitations would have little practical effect on Greek Cypriots, and also that the Turkish Cypriots should not look at these figures as 'targets' of returns but as ultimate safeguards unlikely ever to be required. However, these figures became major sources of controversy and contention on both sides, and in each version of my plan I revised them to try to improve the plan for both. The initial approach had been an even more gradual one but with a shorter moratorium and a limit of 33 per cent after 20 years. My second plan extended the moratorium but slightly accelerated the pace to end with a limitation of 28 per cent after 15 years. My third plan introduced the concept of lifting these limitations after Turkey joins the European Union in exchange for lower limits before, and the exemption for the elderly in exchange for a longer overall moratorium. The Karpas villages are a special case - I shall refer to these in the section on territory.

It should be emphasized that my plan largely unlinks residency rights and the issue of reinstatement of property -- two aspects which have often been confused in public discussion." (UNSC 1 April 2003, paras. 98-101)

### **Refusal to allow the return of any Greek-Cypriot displaced persons is a human rights violation, according to the European Court for Human Right (May 2001)**

- European Court established that displaced persons are unable to apply to the authorities to reoccupy the homes which they left behind and are also physically prevented from even visiting them
- Problem occurred after the events of 1974 in northern Cyprus

"The Court notes that in the proceedings before the Commission the respondent Government did not dispute the applicant Government's assertion that it was not possible for displaced Greek Cypriots to return to their homes in the north. It was their contention that this situation would remain unchanged pending agreement on an overall political solution to the Cypriot question. In these circumstances the Court, like the Commission, considers that the issue of whether the aggrieved persons could have been expected to avail themselves of domestic remedies in the 'TRNC' does not arise.

The Court observes that the official policy of the 'TRNC' authorities to deny the right of the displaced persons to return to their homes is reinforced by the very tight restrictions operated by the same authorities on visits to the north by Greek Cypriots living in the south. Accordingly, not only are displaced persons unable to apply to the authorities to reoccupy the homes which they left behind, they are physically prevented from even visiting them.

The Court further notes that the situation impugned by the applicant Government has obtained since the events of 1974 in northern Cyprus. It would appear that it has never been reflected in 'legislation' and is enforced as a matter of policy in furtherance of a bi-zonal arrangement designed, it is claimed, to minimise the risk of conflict which the intermingling of the Greek and Turkish-Cypriot communities in the north might engender. That bi-zonal arrangement is being pursued within the framework of the inter-communal talks sponsored by the United Nations Secretary-General (see paragraph 16 above).

The Court would make the following observations in this connection: firstly, the complete denial of the right of displaced persons to respect for their homes has no basis in law within the meaning of Article 8 § 2 of the Convention (see paragraph 173 above); secondly, the inter-communal talks cannot be invoked in

order to legitimate a violation of the Convention; thirdly, the violation at issue has endured as a matter of policy since 1974 and must be considered continuing.

In view of these considerations, the Court concludes that there has been a continuing violation of Article 8 of the Convention by reason of the refusal to allow the return of any Greek-Cypriot displaced persons to their homes in northern Cyprus." (ECHR 10 May 2001, Case of Turkey, paras. 171-175)

## **Discrimination**

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### **Displaced Greek Cypriots do not have remedies to contest interference with their freedom of movement and right to property in northern Cyprus (1999)**

- No provision is made by the legislation in Northern Cyprus for any remedies against the exclusion of displaced Greek Cypriots
- This amounts to a violation of Art. 13 of the European Convention of Human Rights by Turkey, according to the European Commission of Human Rights (June 1999)

"The applicant Government [Cyprus] complain that in relation to the above complaints under Article 8 of the Convention (refusal to allow the return of displaced Greek Cypriots to their homes in northern Cyprus) and Article 1 of Protocol No 1 (interference with the right of Greek Cypriots to the peaceful enjoyment of their possessions in northern Cyprus) there are continuing violations of Article 13 of the Convention. They submit that the Greek Cypriots concerned cannot have an effective remedy because the 'TRNC Constitution' itself purports to legalise the very violations complained of so that the 'courts' operating under that 'Constitution' cannot give a remedy. Furthermore, the complaints concern administrative practices in respect of which there are by definition no effective remedies. Finally, they consider that it is impossible to seek a remedy for breach of a right under the Convention before the 'courts' of an entity which is not a State and not a High Contracting Party to the Convention.

The respondent Government [Turkey] have not made any submissions on the availability of remedies in respect of the above complaints under Article 8 of the Convention and Article 1 of Protocol No 1.

Article 13 of the Convention reads as follows:

'Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.'

The Commission first notes that the applicant Government's above complaints under Article 13 of the Convention relate to administrative practices applied to displaced Greek Cypriots as regards their right to return to their homes in northern Cyprus (Article 8 of the Convention) and the exercise of their property rights in northern Cyprus (Article 1 of Protocol No. 1). These administrative practices are at least in part incorporated in 'legislation' of the 'TRNC'. In this respect, the Commission recalls that Article 13, as interpreted by the Convention organs, does not require remedies to be provided to contest legislation as such. In the Commission's view this principle would also apply in the present case, notwithstanding the applicant Government's position that, due to the unlawfulness of the 'TRNC', its 'laws' should not be recognised as 'legislation' within the meaning of the Convention.

However, in the present case the administrative practices concerned go beyond the enactment of the 'legislation' in question. In particular the relevant 'laws' do not regulate one of the crucial aspects of the interferences complained of, namely the physical exclusion of the Greek Cypriots from the territory of

northern Cyprus which prevents the return to their homes and the access to their properties. In fact, no provision is made by the 'TRNC legislation' for any remedies which could be taken by the individuals concerned to contest this exclusion, nor can they in any way take remedies to at least ensure the correct application of the laws in relation to particular properties, such as are given to non-Greek Cypriot foreigners and Greek Cypriots residing in northern Cyprus.

### Conclusion

The Commission concludes, unanimously, that there has been a violation of Article 13 of the Convention by reason of failure to provide to Greek Cypriots not residing in northern Cyprus any remedies to contest interferences with their rights under Article 8 of the Convention and Article 1 of Protocol No. 1." (European Commission of HR 4 June 1999, paras. 323-328)

### **Northern Cyprus denies displaced persons access to justice, according to the European Court of Human Rights (May 2001)**

- The Court established that authorities in northern Cyprus did not provide any access to remedies to contest interferences with property rights of the Greek Cypriot displaced

"The Court notes that in the proceedings before the Commission the respondent Government pleaded that, pending the elaboration of an agreed political solution to the overall Cyprus problem, there could be no question of a right of displaced persons either to return to the homes and properties which they had left in northern Cyprus or to lay claim to any of their immovable property vested in the 'TRNC' authorities by virtue of 'Article 159 of the TRNC Constitution' and allocated to Turkish Cypriots with full title deeds in accordance with implementing 'Law no. 52/1995'. The respondent Government did not contend before the Commission that displaced persons could avail themselves of local remedies to contest this policy of interference with their rights. Indeed, the Court considers that it would be at variance with the declared policy to provide for any challenge to its application. The Court further recalls in this connection that, as regards the violations alleged under Article 8 of the Convention and Article 1 of Protocol No. 1, it concluded that no issue arose in respect of the exhaustion requirement. It refers to the reasons supporting those conclusions (see paragraphs 171-75 and 184-89 above).

For these reasons, the Court, like the Commission, concludes that there has been a violation of Article 13 of the Convention by reason of the respondent State's failure to provide to Greek Cypriots not residing in northern Cyprus any remedies to contest interferences with their rights under Article 8 of the Convention and Article 1 of Protocol No. 1." (ECHR 10 May 2001, Case of Turkey, paras. 193-194)

### **Turkish Cypriot administration discriminates against the displaced Greek Cypriots (1996-1999)**

- Interference with the rights to respect for one's home and to the peaceful enjoyment of one's possessions affects exclusively Greek Cypriots not residing in northern Cyprus and are clearly discriminatory, according to the European Commission of Human Rights (June 1999)

"The applicant Government [Cyprus] complain that there has been a violation of Article 14 of the Convention, in conjunction with Article 8 of the Convention and Article 1 of Protocol No. 1, in that the above administrative practices [refusal to allow the return of displaced Greek Cypriots to their homes in northern Cyprus and the interference with the right of the Greek Cypriots to the peaceful enjoyment of their possessions in northern Cyprus] are being applied exclusively to Greek Cypriots not resident in northern Cyprus who are thus being discriminated against. They submit that the policy of the Turkish authorities is

based upon racial discrimination and apartheid and thus illegal in terms of general international law. Also the 'laws' giving effect to that policy, including the 'constitutional' provisions relied upon, are by their very terms discriminatory against Greek Cypriots, which is an additional reason that they must be considered as invalid under international law. Despite their terminology which refers to 'alien persons' (Section 2 of Law No 32/1975), in practice only Greek Cypriots are disentitled to acquire property in the 'TRNC' and other 'foreigners' such as British or Turkish citizens are not being treated in the same way. On the other hand, the exclusive beneficiaries of the discriminatory 'legislation' are Turkish Cypriots and Turkish settlers who acquired 'TRNC citizenship'.

The applicant Government [Turkey] contend that such discrimination on racial or ethnic grounds is not merely in violation of Article 14 of the Convention, but also constitutes inhuman or degrading treatment under Article 3. They invoke the Commission's Report in the East African Asians' case (D.R. 78, p. 62, paras. 207-209) and submit that treatment singling out categories of persons on racial or ethnic grounds, subjecting them to severe hardship, denying them or interfering with their Convention rights, and doing so specifically and publicly, makes such conduct an affront to their dignity to the point of being inhuman treatment in terms of Article 3 of the Convention.

The respondent Government have not made any submissions regarding this point.

Article 14 of the Convention reads as follows:

'The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.'

The Commission recalls that, in its 1976 Report on applications Nos 6780/74 and 6950/75 (p. 156, para. 502), having found violations of a number of Articles of the Convention, it noted that the acts violating the Convention were exclusively directed against members of one of the two communities in Cyprus, namely the Greek Cypriot community. The Commission then concluded that Turkey had thus failed to secure the rights and freedoms set forth in these Articles without discrimination on the grounds of ethnic origin, race and religion as required by Article 14 of the Convention. In its 1983 Report on application No. 8007/77, the Commission did not find it necessary to add anything to its finding in the previous case (D.R. 72, p. 49, para. 162).

In the present case, the Commission finds that the above interferences with the rights under Article 8 of the Convention and Article 1 of Protocol No. 1 concerned exclusively Greek Cypriots not residing in northern Cyprus and were imposed on them for the very reason that they belonged to this class of persons. In these circumstances the treatment complained of was clearly discriminatory and thus infringed Article 14 of the Convention, read in conjunction with the above two Articles.

The Commission notes that the applicant Government's further complaint that this discrimination, being based on racial or ethnic grounds, also constituted inhuman or degrading treatment within the meaning of Article 3 of the Convention, has only been submitted at a late stage of the proceedings of the merits. In view of its above finding under Article 14 the Commission does not consider it necessary to examine this additional complaint.

### Conclusions

The Commission concludes, by 19 votes to one, that there has been a violation of Article 14, in conjunction with Article 8 of the Convention and Article 1 of Protocol No 1, by virtue of discriminatory treatment of Greek Cypriots not residing in northern Cyprus as regards their rights to respect for their homes and to the peaceful enjoyment of their possessions." (European Commission of HR 4 June 1999, paras. 329-336)

# ACCESS TO EDUCATION

## General

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### **Lack of education opportunities for Greek Cypriots in northern Cyprus (2003)**

- School children are obliged to move south with their younger brothers and sisters and with one or both of their parents

*According to the Council of Europe's Commissioner for Human Rights, "During my stay in the island, I was also able to visit two villages where Greek Cypriots live in the Karpas peninsula region. At the end of last June, only a few families and some older persons were to be found there.*

[Many problems for Greek Cypriots in the northern part of the island still persist]

This is the case particularly where the secondary education of children in Rizokarpasso is concerned. Since the beginning of the current school year those having completed primary school have been denied a secondary education in Greek, even though the teachers can be sent by the Cypriot Government and premises are available. As a result, the pupils are obliged to move south with their younger brothers and sisters and with one or both of their parents. Thus, only the grandparents will remain in Rizokarpasso, which is being steadily drained of its last Greek Cypriot community members. (CoE June 2003)

# ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION

## Public participation

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### Right to vote: minorities cannot vote in their home area (2003)

- Turkish Cypriot living in the south cannot vote in national elections there but can participate in elections in the north
- The government of Cyprus is granting voting rights to Turkish Cypriots in local elections and in the European Parliament election
- Greek Cypriots and Maronites living in the north can only participate in elections held in the south

"As regards the right to vote and to be elected, since the de facto partition of the island, Turkish Cypriots living in the south of the island have been barred from voting in national elections, but can travel to the north of Cyprus to vote in elections. The participation of the Turkish community in elections has been considered by the Cypriot Supreme Court, which dismissed the issue as the participation of Turkish Cypriots in national elections would entail a revision of the Constitution. However, as reported to the Committee on the Elimination of Racial Discrimination, the Government is considering means of granting voting rights in respect of all political elections to Turkish Cypriots residing in the south (CERD/C/384/Add.4 (Suppl.)). Greek Cypriots and Maronites living in the north cannot participate in Turkish Cypriot elections; they can, however, participate in the elections in the southern part of the island." (UNCHR 21 March 2003)

*On 30 May 2002, the Government of Cyprus adopted a set of measures regarding the status of Turkish Cypriots. In these measures, the government pledges to promote the necessary legislation to allow Turkish Cypriots to participate in local elections in the government-controlled areas and in the European Parliament elections. See "[The Policy of the Government vis-à-vis Turkish Cypriots \(Set of measures\)](#)", website of the Government of Cyprus, 30 April 2003 [Internet]*

### The associations of displaced communities assert their right to return (2002)

- Association of communities in exile regroup residents of displaced villages or towns in Cyprus and abroad
- They sponsor cultural events and organize protest marches along the "green line"
- But other activities suggest that displaced communities will remain in the south even if the right to return to the north is restored
- Several associations of displaced communities protest against the Turkish occupation and the presence of Turkish settlers

"Within Cypriot civil society, the refugees maintain their identification through refugee associations. These associations keep track of members of the old towns and villages both in Cyprus and abroad in the expatriate communities located primarily in Britain, Australia, New Zealand, and to a lesser degree, the United States. The associations sponsor cultural and sporting events aimed at continuing old social networks and organize protest marches along the 'green line' dividing the capital city of Nicosia. The refugee associations also engage in some activities that suggest that they will maintain a more permanent



presence in the south even if the right of return is guaranteed. For instance, the refugees of Ayios Epiktitos, a village in the valuable Kyrenia district in the occupied north, have built a church that replicates the one they left behind.

The refugee associations also engage in large public education campaigns, such as the Occupied Cyprus Project online. As part of this project, refugee associations and second-generation refugees display vivid testimonials to pre-invasion Cyprus, voice their demand for an end to the Turkish occupation, and maintain unwavering support for their right of return. More than two dozen village sites show and tell the same essential stories in pictures of missing men from 1974 as well as pictures of the webmasters' parents and grandparents in happier times. There are also pictures of home villages and towns before they were 'Turkified' by the 'barbarians.' One of the most consistent expressions of outrage concerns destruction by the Turks of Greek antiquities and religious buildings and shrines.

The refugee association Web sites are quick to blame Turks for the division of Cyprus and for the denial of Greek Cypriot rights, but much less is said about Turkish Cypriots. Indeed, the government and refugee groups say the 'Cyprus issue' was created by Turkey, and that the continued Turkish presence in the north is as harmful to Turkish as to Greek Cypriots.

The refugee associations insist that Turkish troops and settlers must leave Cyprus. The Lobby for Cyprus, an expat lobbying group in Britain, has proposed that a one-time payment be made to the settlers to help them repatriate. Beyond this, they are adamant in their calls for the removal of the settlers.

But Turkish Cypriots are treated differently. News stories consistently feature statistics about the outmigration of Turkish Cypriots from the occupied territories." (Neack December 2002, pp. 75-76)

*See for instance Lobby for Cyprus [Internet: <http://www.lobbyforcyprus.org/>]*

# ISSUES OF FAMILY UNITY, IDENTITY AND CULTURE

## Family unity

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### Efforts to solve the issue of missing persons: signs of opening (1981-2004)

- After several years of negotiations, the tripartite (United Nations, Greek Cypriot, Turkish Cypriot) Committee on Missing Persons in Cyprus (CMP), was established in 1981
- In July 1997 the leaders of two communities agreed to collect and share information on missing persons by the end of September 1997, outside of the CMP process
- The official list of Greek Cypriot missing persons was published on 10 July 2000 and contained 1493 names compared to the original 1619 known to date
- The Committee suspended its activities in 1996 without solving one single case of disappearances
- After years of inactivity, the CMP began meeting again in August 2004, but no remains of Greek Cypriots were identified during the year
- Since June 1999, The Greek Cypriot side has also undertaken exhumations and identification of remains unilaterally

"After the UN General Assembly in 1977 and 1978 called for an investigatory body to resolve [the cases of missing persons these cases, and several years of negotiations, the UN Secretary-General on 22 April 1981 announced that an agreement had been reached with both sides to establish the Committee on Missing Persons. The General Assembly in Resolution 32/128, adopted on 16 December 1977, had requested the Secretary-General

'to provide his good offices, through his Special Representative in Cyprus, to support the establishment of an investigatory body with the participation of the International Committee of the Red Cross, which would be in a position to function impartially, effectively and speedily so as to resolve the problem without undue delay'.

The General Assembly renewed this call in Resolution 33/172, adopted on 20 December 1978, in which it called for the representative of the Secretary-General on the investigatory body to be able, in cases of disagreement, 'to reach a binding independent opinion which shall be implemented'.

The Committee on Missing Persons, composed of three members, a representative of the Cypriot authorities, a representative of the Turkish Cypriot side and a representative of the Secretary-General (the Third Member), got off to a slow start. The General Assembly on several occasions expressed its concern about the lack of progress by the Committee on Missing Persons in its first few years. (GA Res. 37/181, adopted on 17 December 1982; GA Res. 36/164, adopted on 16 December 1981.) Indeed, the Committee on Missing Persons did not adopt its procedural rules until March 1984. At the conclusion of its 60th working session on 10 April 1992, the Committee on Missing Persons stated: 'It is true that the committee has not yet obtained the progress hoped for; it has decided to study the situation and to explore all means to secure better results.' (Press Release, 10 April 1992, para. 1.) From 13 December 1994 to 15 June 1995 it did not hold any formal meeting, although informal bi-lateral meetings between the Third Member and the other two members took place. On 17 May 1995, the Secretary-General wrote to the leaders of both sides proposing criteria for concluding investigations and both sides agreed to proceed on this basis. He proposed that a deadline be set for the submission of information by both sides. Information concerning all Turkish Cypriot cases was received shortly before the deadline and assurances were given that information

concerning the remaining Greek Cypriot cases would be received by the end of 1995. As a result, the Committee on Missing Persons agreed to resume its activities. On 9 March 1996, the Third Member, Paul Wurth, resigned, which led to a recess in formal meetings.

The Committee on Missing Persons has operated largely in secret in the past 15 years, although it has occasionally issued brief and largely uninformative press releases about its activities. As far as Amnesty International is aware, the Committee on Missing Persons has not publicly resolved a single case of 'disappearance' or 'missing' persons, its work has not led to a single person being brought to justice by either side for these crimes and its efforts have not resulted in compensation to a single relative. Those who looked to this body to resolve the fate of their loved ones so that they could get on with their lives and as a step toward ensuring that justice was done, have had their hopes dashed. Furthermore, as a result of its limited mandate, the Committee on Missing Persons cannot continue to investigate the cases of 'disappearance' and 'missing' persons once it has determined that the people involved have been victims of deliberate and arbitrary killings. It has stated that it 'will not attempt to attribute responsibility for the deaths of any missing persons or make findings as to the cause of the deaths'. (Press Communiqué, 11 April 1990, para. 14.)" (AI August 1996)

"A positive development over the past year has been the resumption of investigations to resolve the problem of persons missing after the inter-communal violence that started in 1963-64 and the events of July 1974 and thereafter. In November 1999, the autonomous tripartite (United Nations, Greek Cypriot, Turkish Cypriot) Committee on Missing Persons in Cyprus (CMP), formally met for the first time since early 1996 and agreed in principle to resume investigations. The official list of missing persons was published in the Government Gazette on 10 July 2000 and contained 1493 names compared to the original 1619 known to date. It excludes 126 names of persons whose files were not submitted to the CMP for investigation into the circumstances of their disappearance. The relatives of the 126 were informed of the reasons why these are no longer presumed missing. The list also excluded the names of three other persons whose remains were identified through DNA testing." (European Commission 8 November 2000, p. 16)

"The Committee on Missing Persons (CMP), established in 1981, is composed of three members. The Greek Cypriot and Turkish Cypriot sides each appoint a member. The Third Member is appointed by the United Nations Secretary-General, upon the recommendation of the International Committee of the Red Cross. Since January 2000 there has been no Third Member, but the First Assistant to the Third Member of the CMP has continued to work with the two sides, as Acting Third Member, to overcome obstacles and enable the CMP to resume its activities and achieve its aims. During the period under review, Mr. Clerides and Mr. Denktash devoted particular attention to the problem of missing persons. In this respect, the two leaders met several times in the presence of the Chief of Mission of UNFICYP between January and July 2002 and have exchanged papers containing proposals to overcome the difficulties and impasses.

A solution to this humanitarian issue is long overdue. The two leaders should without delay take steps to conclusively resolve the issue of missing persons. Both sides should cooperate fully with the Committee on Missing Persons in Cyprus, in accordance with its terms of reference and keeping in mind their agreement reached on 31 July 1997. Each side should carry out and conclude any and all necessary inquiries, including exhumations." (UNCHR 21 March 2003, paras. 17-18)

In 2004, "The Government participated in the autonomous, tripartite (U.N., Greek Cypriot, Turkish Cypriot) U.N. Committee on Missing Persons in Cyprus (CMP) as it continued its efforts to account for persons who remained missing after the intercommunal violence beginning in 1963 64 and the events beginning in July 1974. After years of inactivity, the CMP began meeting again in August. During the year, no remains of Greek Cypriots were identified. According to the Government, 1,493 Greek Cypriots remained missing." (U.S. DOS 28 February 2005)

"Since June 1999, the Government has conducted exhumations of gravesites in the south that were thought to contain the remains of persons missing since 1974. By year's end, the remains of 127 Greek Cypriots were identified through DNA testing. Of those, 31 were listed among those missing since 1974. The

remaining 96 were known to be dead, but the location of their graves previously was unknown. The Turkish Cypriot authorities did not cooperate in this DNA identification effort. In July 2000, the Government released a list of 1,493 missing Greek Cypriots whose cases were submitted to the CMP for investigation." (U.S.DOS 31 March 2003, sect. 4)

*See also information from the [Greek Cypriot government](#) on the issue of missing persons [Internet]*

*See also existing [agreements and resolutions on missing persons](#) [Internet]*

*See also one example of a Cypriot association working on missing persons: [The Pancyprian Organization of Parents and Relatives of Undeclared Prisoners and Missing Persons](#) [Internet]*

*See also BBC, "[Search begins for missing Cypriots](#)", 11 January 2002 [Internet]*

### **European Court of Human Rights confirms violation of human rights of missing persons and their relatives (May 2001)**

- Authorities in northern Cyprus have failed to conduct an effective investigation into cases of Greek Cypriot missing persons, according to the European Court

"The Court, unanimously, found that there had been no violation of Article 2 by reason of an alleged violation of a substantive obligation under that Article in respect of any of the missing persons. The evidence before it did not substantiate to the required standard that any of the missing persons were killed in circumstances engaging the respondent State's liability.

On the other hand, the Court found, that by sixteen votes to one, that there had been a continuing violation of Article 2 on account of the failure of the authorities of the respondent State to conduct an effective investigation into the whereabouts and fate of Greek-Cypriot missing persons who disappeared in life-threatening circumstances.

[...]

Although it found, unanimously, that it had not been established that, during the period under consideration, any of the missing persons were actually in detention, the Court ruled, by sixteen votes to one, that there had been a continuing violation of Article 5 by virtue of the failure of this authorities of the respondent State to conduct an effective investigation into the whereabouts and fate of the Greek-Cypriot missing persons in respect of whom there was an arguable claim that they were in Turkish custody at the time of their disappearance.

As to the relatives of the Greek-Cypriot missing persons, the Court held, by sixteen votes to one, that there had been a continuing violation of Article 2. In the Court's opinion, the silence of the authorities of the respondent State in the face of the real concerns of the relatives attained a level of severity which could only be categorised as inhuman treatment." (European Court of Human Rights 10 May 2001)

### **Separation of families: an ongoing problem since the end of the armed conflict (June 1999)**

- Various restrictions imposed on movements of Greek Cypriots in northern Cyprus have created new cases of separation of families, according to the European Commission of Human Rights

"The Commission first recalls its findings in the 1976 and 1983 Reports according to which the separation of families brought about by refusal to allow the return of displaced Greek Cypriots to their enclaved

families in northern Cyprus constitutes an aggravated breach of Article 8. The Commission notes that Greek Cypriots who have permanently left the north of Cyprus, including recent emigrants, still are not allowed to return even if they have a family there. While family visits of both Greek Cypriots living in southern Cyprus to their relatives in the north and of Greek Cypriots living in northern Cyprus to their relatives in the south have been facilitated by a number of measures most of which were taken during the period which is relevant in the present application, certain administrative restrictions such as limitation to first degree relatives, visa requirements and levying of entry and exit fees still continue to be applied to such visits. Until recently there were also severe limitations on the number and duration of the visits. These restrictions were also applied to Greek Cypriot schoolchildren above a certain age who attended secondary schools in southern Cyprus and who, like any other emigrants, were not allowed to return permanently to their families in northern Cyprus after attaining the age limit. This practice is still in force for students who have completed their studies before the entry into force of the new regulations of February 1998 and for Greek Cypriot males over the age of sixteen.

The Commission considers it as established that by these measures new cases of separation of families were brought about during the period under consideration and that the possibility of the Greek Cypriots residing in northern Cyprus to lead a normal family life continued to be affected in other ways during that period. The Commission finds that no remedies are available to the persons concerned to contest the measures in question. It considers that these measures, taken as a whole, constitute a grave interference with the right to respect for the family life of the persons concerned, which cannot be justified under Article 8 para. 2 of the Convention, having regard to the absence of a clear legal basis, the absence of any legitimate aim and the obvious disproportionality of the measures in question." (European Commission of HR 4 June 1999, paras 483-484)

*The Commission concluded that during the period under consideration (1995-1996) there has been a violation of the right of Greek Cypriots living in northern Cyprus to respect for their private and family life as guaranteed by Article 8 of the European Convention of Human Rights and Fundamental Freedoms.*

*For recent developments relating to the regulations on the movements to and from Northern Cyprus, see "[Freedom of movements of the Greek Cypriot displaced: Severe restrictions in the north despite recent improvements \(2000\)](#)" [Internal link]*

## **Religion**

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### **Reciprocal visits to religious sites have been suspended since 2000**

- These visits were originally agreed to in 1997
- Minorities are concerned with the preservation of their religious sites

"Greek Cypriot residents of Rizokarpasso may visit the Apostolos Andreas monastery without restriction, but others in the north must apply to the local authorities for permission. Maronites may not visit certain religious sites in the north located in military zones. Armenians may not visit any religious sites in the north.

Reciprocal visits to religious sites, originally agreed to in 1997, have been suspended since 2000. In May 2001, the ECHR ruled that the Government of Turkey was responsible for restrictions imposed on Greek Cypriots resident in the north to their access to places of worship and participation in other areas of religious life. In April 2001, Turkish Cypriot authorities and the Government of Cyprus agreed to assign a second Orthodox priest to work in the north. A candidate was not identified by year's end.

[...]

The 1975 Vienna III Agreement remains the basic agreement covering treatment of Greek Cypriots and Maronites living in the north and Turkish Cypriots living in the south. Among other things, this agreement provides for facilities for religious worship. Greek Cypriots living in the north reported that vacant Orthodox churches there were vandalized and religious icons were removed. In August Turkish Cypriot police arrested a suspect for stealing icons from a church now used as an icon museum. Although Turkish Cypriots reported that unused mosques in the south also were vandalized, the Government routinely carried out maintenance and repair of mosques in the south." (U.S.DOS 31 March 2003, sect. 2c)

# PROPERTY ISSUES

## General

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### **Dispute over land ownership in northern Cyprus complicated by foreigners' ownership (2005)**

- Of the 335 villas and apartments in northern Cyprus sold so far, about 85% have gone to British buyers.
- Greek Cypriot court has ordered the foreign owners to demolish their house and return the land

"A building boom has come to northern Cyprus, with foreigners snapping up newly-built villas. [...]"

The authorities' interior minister, Ozkan Murat, says applications by foreigners to buy property have increased almost ten-fold in the last few years.

But Cyprus' old divisions are casting a shadow over the boom.

Greek Cypriots, forced to flee south in 1974 when Turkey invaded the northern third of the island, say the land from which concrete is sprouting is still theirs.

It is a dispute they are prepared to pursue through the courts - to the potential cost of those fuelling the property gold-rush.

Britons Linda and David Orams finished building their dream holiday home three years ago, in a village a few miles west of Kyrenia (Girne in Turkish), overlooking the coast of the unrecognised state of northern Cyprus.

"We heard about a Greek Cypriot lawyer preparing to take action... but we never thought for a minute it would be us he came after," said Mrs Orams.

That lawyer, Constantis Candounas, is at the forefront of a campaign to stop land being sold, and buildings erected, where once Greek Cypriots lived.

A Cypriot court has now ordered the Orams to demolish their house, return the land, and pay "rent" for the time they lived there. The ruling has rattled the communities of sellers, buyers and builders enjoying good times in the north.

[...]

That is a concern for companies like Aga Development, engaged in the biggest building project in the north, an entire village being assembled at Arapkoy, about 10 miles (16km) east of Kyrenia, between the coast and the mountains that rear up inland.

Aga's apartments and villas range in price between £55,000 (\$104,000) and £100,000 (\$190,000).

Of the 335 sold so far, about 85% have gone to British buyers.

Developers tell potential buyers that the Orams ruling - delivered in a court south of Cyprus's green line - is unenforceable in the north, and that any unification settlement will have to recognise the status quo." (BBC News 14 April 2005)

### **Revised "Annan Plan" provided for additional guarantees for IDPs to recover their property (May 2004)**

- Greek Cypriot and Turkish Cypriot sides both asked for changes to the plan
- Overall amount of property in northern Cyprus eligible to be reinstated to Greek Cypriots would be roughly doubled as compared with the previous version of the plan, and more evenly distributed among the dispossessed
- As nearly a quarter of Turkish Cypriots would have to relocate, the Relocation Board's range of activities was strengthened and the time period for territory adjustment was extended

*According to UN Secretary General Kofi Annan, "Another area of concern for the Greek Cypriot side related to the rights of displaced and dispossessed persons . a subject on which Mr. Papadopoulos did not initially propose changes, but which he reserved the right to reopen if the Turkish Cypriot side were to do so, which indeed it did. The property scheme was radically overhauled by removing all overall ceilings on property reinstatement, and instead providing that most Greek Cypriots would have some property reinstated in the Turkish Cypriot State (usually their former home and one third of the land, though more (often all) for small landowners, and all for returnees to four Karpas villages and the Maronite village of Kormakiti). The effect of this change was that the overall amount of property in the Turkish Cypriot State eligible to be reinstated to Greek Cypriots would be roughly doubled as compared with the previous version of the plan, and more evenly distributed among the dispossessed. The Property Board was restructured and the scheme was backed by guaranteed bonds and certificates linked to real property assets to enhance economic viability. While residency ceilings were slightly lowered as part of the package discussed with all parties at Bürgenstock, they were also made to rise earlier, thus bringing forward the day when Greek Cypriots could begin returning to their homes. Restrictions on the establishment of secondary residences by Cypriot citizens anywhere in Cyprus were removed.*

The Greek Cypriot side was also concerned that there should be no permanent derogations from the European Union *acquis*. All permanent derogations were removed, including what had been a permanent facility for the Turkish Cypriot State to impose restrictions on purchase of property in the Turkish Cypriot State (which had, in any case, to be non-discriminatory, so that no Greek Cypriot could be precluded if any other non-resident of the Turkish Cypriot State was permitted). As revised, any restrictions would be removed after 15 years. A Catalogue of Human Rights, enforceable in Cypriot courts, was included in the Constitution, based on the European Convention. [...]

For their part, the Turkish Cypriot side sought to strengthen the bizonal character of the settlement. To this end, I introduced a modest reduction in residency ceilings, itself part of a largely agreed package of changes related to property affected by events since 1963, which doubled the amount of property that could be reinstated to Greek Cypriots. The Turkish Cypriots were ready to accept this change because it abolished the long-term lease option for dispossessed owners and provided greater simplicity and certainty for current users in a faster process, thus reducing the potential economic impact of the property scheme on the Turkish Cypriot State. I also introduced a safeguard clause related to the establishment of residency, mirroring the safeguard related to immigration mentioned above, under which the Turkish Cypriot State could act to ensure that no less than two thirds of its Cypriot



permanent residents spoke its official language as their mother tongue (this would effectively allow over time some 100,000 Greek Cypriots to take up permanent residence in the Turkish Cypriot State, in addition to the unlimited provision for secondary residence). [...]

A further Turkish Cypriot concern arose from the fact that, under the plan, nearly a quarter of the Turkish Cypriots would be required to relocate in the period after a settlement due to the territorial adjustment. To assist this process, the Relocation Board's range of activities was strengthened, the time period for adjustment of territory was extended by six months, and the Turkish Cypriot State would be entitled, for a transitional period, to maintain a slightly larger number of police than under the previous version of the plan. (UNSC 28 May 2004 para.48-56)

### **The "Annan Plan" proposed a solution to the property issue based on respect for individual property rights (2003)**

- Priority is given to claims of current users who have been displaced and who have improved the property significantly
- Other properties would be reinstated to their owners, but incentives would encourage dispossessed owners not to sell them or seek compensation
- Reinstatement of properties could not go beyond a determined percentage of residences or land in a given area
- The absolute maximum number of Turkish Cypriots who might have to move from their current residence in the north would be 15,000 to 18,000 persons
- Owners whose properties were not reinstated would be compensated with bonds guaranteed by the federal government
- The area of territorial adjustment between north and south foreseen in the Plan, represents about 7 per cent of the territory of Cyprus and was home to 54 per cent of the Greek Cypriots displaced in 1974
- The Plan also provided for a self-funding solution of the property issue, but international funding was also necessary

"Almost half the population of Cyprus lost properties as a result of intercommunal strife or military action between 1963 and 1974 and the unresolved division of the island since that time. The Greek Cypriot side advocated a solution based on full respect for property rights so that all displaced persons, from either community, would have the right to have their properties reinstated. The Turkish Cypriot side argued that property claims should be settled through liquidation by means of a global exchange and compensation scheme, meaning that no displaced persons, from either side, would have the right to have their properties reinstated.

International developments since the Second World War, both Cyprus-related and others, favour a settlement based on respect for individual property rights. In recent years the European Court of Human Rights has taken decisions recognizing the property rights of Greek Cypriots in the northern part of the island and allocating damages at the expense of Turkey. Thousands of similar cases are pending before the Court. In making any suggestions I took into account these developments and the positions adopted recently by the United Nations and the international community in the former Yugoslavia, but also the fact that the events in Cyprus happened 30 to 40 years ago and the displaced persons (roughly half of the Turkish Cypriots and a third of the Greek Cypriots) have had a rebuild their lives and their economies during this time.

The way out of this conundrum of conflicting legitimate claims of owners and current users had to be a compromise. My scheme, to be administered by a property board, gives priority to the claims of current

users who have themselves been displaced and dispossessed of properties and allows them to obtain title in exchange for their property in the other part of the island (this would apply also to their successors in title). Similarly, anyone who has significantly improved a property would be able to obtain title provided he/she pays for the value of the property in its original state. Other properties would be reinstated to their owners - - although a range of incentives would encourage dispossessed owners to sell, lease or exchange their properties or seek compensation. In addition, reinstatement would not be possible for more than 20 per cent of the residences and land in any village or town (with the exception of a few specific cases) and for more than 10 per cent of the residences and land in either constituent state. According to United Nations estimates, the absolute maximum number of current users in the Turkish Cypriot State who might have to move from where they currently live under the property arrangements would be 15,000 to 18,000 persons.

Owners whose properties were not reinstated would be compensated with bonds guaranteed by the federal government and redeemable after 10 or 15 years from a compensation fund, to be funded by the sale of properties by the property board (the concept being that no one should obtain title to a property without paying for it through exchange or in cash). The property proposals also include detailed provisions for adequate alternative accommodation and a preferential loans scheme for current users.

While it is possible to differ on details, this approach, particularly when married to the territorial adjustment described below, strikes a fair balance between competing legitimate interests and individual human rights and respects the principle of bi-zonality and international law (including international human rights law and the fourth Geneva Convention)." (UN SC 1 April 2003, paras. 107-111)

"The area of territorial adjustment, which represents about 7 per cent of the territory of Cyprus, was home to 54 per cent of the Greek Cypriots displaced in 1974.[17] The number of current inhabitants according to the 1996 Turkish Cypriot census who would have to be relocated would be less than a quarter of the current population north of the dividing line. [18] Half of the people affected are in Famagusta and Morphou. The former would likely be able to move within Famagusta. The latter would have the opportunity to move as a community to a new site close to their current location where they would still be able to farm the orange groves they currently farm, a majority of which would be in the Turkish Cypriot State. [19] This would leave about 24,000 persons who would actually need to be relocated to totally different places. According to United Nations estimates, roughly half of the people to be relocated would be Turkish Cypriots who had been displaced in or after 1974 (and their descendants), while the balance would be persons who have migrated to Cyprus from Turkey since that date."

[Footnote 17: More than 86,000 then; with offspring, about 120,000 today (since population growth among Greek Cypriots since 1974 has been about 40 per cent).]

[Footnote 18: The census figure amounts to 47,000, though the United Nations believes the actual figure is probably lower. It should be noted that this figure, combined with the maximum of 15,000 to 18,000 persons who would be affected by reinstatement of properties in the Turkish Cypriot State, amounts to a maximum of 62,000 to 67,000 persons being dislocated under the plan.

[Footnote 19: The United Nations had developed and conveyed to the parties ideas on a new site.] (UNSC 1 April 2003, para. 118)

"A Cyprus settlement after 40 years of conflict would be costly and would need the support of the international community. However, my plan provides for a largely self-funding solution of the property issue (contrary to a global exchange scheme proposed by the Turkish Cypriot side). Reinstatement and compensation honouring individual property rights would also give funds to many of the people who would need to relocate because of the territorial adjustment to let them provide for themselves. Nonetheless, that aspect of the settlement would need to rely on substantial international funding. The European Commission was in the process of organizing an international donor conference for this purpose when the process came to a regrettable end at The Hague." (UN SC 1 April 2003, para. 123)

## Turkey and Turkish Cypriot authorities prepare propositions to solve property issue (2003-2005)

- Turkey may be willing to pay reparation if other claims are dropped from the agenda of the European Council
- “TRNC Assembly” enacted legislation to set up a committee to deal with Greek Cypriot compensation claims in 2003
- At the end of 2003, Turkey paid more than a million dollar compensation to Ms. Loizidou, after reaching what Turkey called an “understanding” with the Council of Europe that the case would not set a precedent for hundreds of similar cases still pending
- The Committee of Ministers of the Council of Europe still not to examine the question of illegal expropriation by Turkey at the end of 2005, which the payment itself has not solved
- In April 2005, ECHR decided that the case brought by Greek Cypriot Xenides Arestis against Turkey was admissible

"Turkey is on the initiative to have the Louizidou [sic] case, in which she was sentenced by the European Human Rights Court (ECHR) to pay reparations, dropped from the agenda through the European Council.

A step from Ankara in Cyprus' Reparations determined in the Louizidou case will not serve as a benchmark, other similar cases will be frozen and they later dealt with through a council will be established in Cyprus. That way, Turkey targets to achieve effective internal law in Cyprus.

Accordingly, if a law is passed and a committee is established to deal with reparations from the property that was nationalized with the 159th article of the TRNC [sic] constitution, relevant cases pending at the EHRC can be sent back to that committee.

Committee's decisions would be binding for the government, and will determine the amount of the reparation taking the value of the property and the duration of inaccessibility to it into consideration." (Ortam 5 May 2003)

Turkish Cypriot leader Rauf Denktash said Sunday [11 May 2003] plans were being made for displaced Greek Cypriots to be able to use northern courts to claim back houses and goods they lost in the 1974 Turkish invasion.

[...]

'Now that there is free passage between the sides, they can also come to our courts,' Denktash said in Turkey in remarks carried by the official Anatolia news agency.

He underlined preparations were underway to allow displaced Greek Cypriots to bring cases before the courts 'notably on the question of goods.'" (WFP 11 May 2003)

“Turkey has paid more than \$1m compensation to a Greek Cypriot woman whose property was seized when Turkish forces invaded northern Cyprus in 1974. Titiana Loizidou won her case at the European Court of Human Rights in 1998 after filing it 24 years ago. She had been forced to leave her home in Kyrenia, northern Cyprus, and move to the southern part of the island. But Turkey had resisted the decision, saying it would jeopardise attempts to settle similar claims. [...]

The Turkish foreign ministry said it had reached an "understanding" with the Council of Europe that the case would not set a precedent for more than 600 similar cases pending with its Court. "Although we see the decision as unjust and wrong, fulfilling the decision means fulfilling the joint responsibility we have to protect the respectability of the European Court of Human Rights," it said. The ministry said that paying the sum had removed an "obstacle" to good relations with the Council and the European Union." (BBC News 2 December 2003)

[The Parliamentary Assembly of the Council of Europe] “welcomes the settlement of the Loizidou case by the payment on 2 December 2003 of the just satisfaction owed to the applicant. It none the less recalls that payment of just satisfaction, although it is a great step forward in the implementation of the judgment of 1998, still does not, in fact, implement the basic context of the decision (violation of Article 1 of the First Protocol to the ECHR, by illegal expropriation). This element will be examined by the Committee of Ministers at the end of 2005.” (CoE, Parliamentary Assembly, 22 June 2004).

***For more information on the Loizidou Case, please see*** European Court of Human Rights, Case of Loizidou v Turkey: Background to the Case and Summary [[Internet](#)]

“During the year [2004], Greek Cypriots continued to pursue property suits against the Government of Turkey in the European Court of Human Rights (ECHR) for the loss of property located in the area under Turkish Cypriot administration since 1974. On September 3 [2004], the ECHR held a hearing on the admissibility of a property case brought by Greek Cypriot Xenides Arestis against Turkey. The purpose of the hearing was to determine whether domestic remedies had been exhausted, given that the “TRNC Assembly” had enacted legislation and set up a committee to deal with Greek Cypriot compensation claims in June 2003. A decision on admissibility was pending at the end of the year. There were no developments on any of the other 500 cases that the Government estimated Cypriots had filed against Turkey at the ECHR or on any of the approximately 45 property cases in which the Government had exercised its right to intervene.

On September 24, the Supreme Court ruled in favor of Turkish Cypriot Arif Mustafa who sought the return of property in the south, which he abandoned in 1974 and which was seized but not expropriated by the Government under the authority of the so called Caretaker law. The Attorney General appealed the case, but a hearing date was not set by the end of the year.” (U.S. DOS 28 February 2005)

#### **“ADMISSIBILITY DECISION XENIDES-ARESTIS v. TURKEY**

A Chamber of the European Court of Human Rights has unanimously declared admissible the application lodged in the case of Xenides-Arestis v. Turkey (application no. 46347/99). (The decision is available only in English.)

#### **The applicant**

The applicant, Myra Xenides-Arestis, was born in 1945 and is a Cypriot national of Greek-Cypriot origin. She lives in Nicosia.

#### **Summary of the facts**

The applicant claims to own half a share in a plot of land in the area of Ayios Memnon, in Famagusta (Northern Cyprus), which was given to her by her mother. There are a shop, a flat and three houses on the land. She maintains that one of the houses was her home, where she lived with her husband and children, and that the rest of the property was either used by members of the family or rented out. She also states that she owns part of a plot of land with an orchard.

The applicant maintains that in August 1974 she was forced with her family by the Turkish military forces to leave Famagusta and abandon their home, property and possessions. She states that since then she has been prevented from having access to, from using and enjoying her home and property.

On 30 June 2003 the “Parliament of the Turkish Republic of Northern Cyprus” enacted the “Law on Compensation for Immovable Properties Located within the Boundaries of the Turkish Republic of Northern Cyprus”. A “commission” was set up under this “law” with a mandate to deal with compensation claims. [...]

## **Procedure**

The application was lodged with the European Court of Human Rights on 4 November 1998. The Cypriot Government intervened as a third-party in the proceedings. The Court held a public hearing in the Human Rights building on 2 September 2004.

## **Decision of the Court**

The Court declared the application admissible, without prejudging the merits of the case. It rejected the respondent Government's objections on jurisdiction concerning the victim status of the applicant and the exhaustion of domestic remedies. In particular, as regards the latter, the Court considered that the remedy established in the "Turkish Republic of Northern Cyprus" could not be regarded as an "effective" or "adequate" means for redressing the applicant's complaints." (ECHR 6 April 2005)

## **European Court of Human Rights holds Turkey responsible for the violation of home and property rights of the displaced (May 2001)**

- In its judgment, the Court held Turkey responsible for the policies and actions of the authorities in the Turkish Republic of Northern Cyprus (TRNC)
- The refusal to allow any Greek-Cypriot displaced persons to return to their homes in northern Cyprus violated the European Convention on Human Rights (ECHR)
- The Court also held that the denial of access and use of their properties to the Greek-Cypriot owners as well as the denial of any compensation constituted a violation of ECHR
- The Court also concluded that Turkey failed to provide Greek Cypriots not residing in northern Cyprus with remedies to contest interferences with their rights
- The Court recalled its finding in the *Loizidou* judgment (1996) that the deprivation of property titles under Article 159 of the TRNC Constitution and other legal provisions was not valid

"As to Turkey's denial of liability under the Convention for the allegations made against it, the Court held, by sixteen votes to one, that the facts complained of in the application fell within the 'jurisdiction' of Turkey within the meaning of Article 1 of the Convention and therefore entailed the respondent State's responsibility under the Convention. In reaching this conclusion, the Court noted that such a finding was consistent with its earlier statements in its *Loizidou v. Turkey* (merits) judgment. In that judgment, the Court had noted that Turkey exercised effective overall control of northern Cyprus through its military presence there, with the result that its responsibility under the Convention was engaged for the policies and actions of the 'TRNC' authorities. In the instant case, the Court stressed that Turkey's responsibility under the Convention could not be confined to the acts of its own soldiers and officials operating in northern Cyprus but was also engaged by virtue of the acts of the local administration ('the TRNC'), which survived by virtue of Turkish military and other support.

[...]

Home and property of displaced persons

The Court held, by sixteen votes to one, that there had been a continuing violation of Article 8 by reason of the refusal to allow the return of any Greek-Cypriot displaced persons to their homes in northern Cyprus. Having regard to that conclusion, the Court found, unanimously, that it was not necessary to examine whether there had been a further violation of that Article by reason of the alleged manipulation of the

demographic and cultural environment of the Greek-Cypriot displaced persons' homes in northern Cyprus. As to the applicant Government's complaint under Article 8 concerning the interference with the right to respect for family life on account of the refusal to allow the return of any Greek-Cypriot displaced persons to their homes in northern Cyprus, the Court held, unanimously, that this complaint fell to be considered in the context of their allegations in respect of the living conditions of the Karpas Greek Cypriots.

Furthermore, the Court held, by sixteen votes to one, that there had been a continuing violation of Article 1 of Protocol No. 1 by virtue of the fact that Greek-Cypriot owners of property in northern Cyprus were being denied access to and control, use and enjoyment of their property as well as any compensation for the interference with their property rights.

The Court also held, by sixteen votes to one, that there had been a violation of Article 13 by reason of the failure to provide to Greek Cypriots not residing in northern Cyprus any remedies to contest interferences with their rights under Article 8 and Article 1 of Protocol No. 1. It did not find it necessary (unanimously) to examine whether in this case there had been a violation of Article 14 taken in conjunction with Articles 8 and 13 and Article 1 of Protocol No. 1, or whether the alleged discriminatory treatment of Greek-Cypriot displaced persons also gave rise to a breach of Article 3. It was also of the unanimous view that it was not necessary to examine separately the applicant Government's complaints under Articles 17 and 18, having regard to its findings under Articles 8 and 13 and Article 1 of Protocol No. 1." (European Court of Human Rights 10 May 2001, press release)

***Property rights: violation of Article 1, Protocol 1 of the European Convention for Human Rights***

"The Court agrees with the Commission's analysis. It observes that the Commission found it established on the evidence that at least since June 1989 the 'TRNC' authorities no longer recognised any ownership rights of Greek Cypriots in respect of their properties in northern Cyprus (see paragraph 32 above). This purported deprivation of the property at issue was embodied in a constitutional provision, 'Article 159 of the TRNC Constitution', and given practical effect in 'Law no. 52/1995'. It would appear that the legality of the interference with the displaced persons' property is unassailable before the 'TRNC' courts. Accordingly, there is no requirement for the persons concerned to use domestic remedies to secure redress for their complaints.

The Court would further observe that the essence of the applicant Government's complaints is not that there has been a formal and unlawful expropriation of the property of the displaced persons but that these persons, because of the continuing denial of access to their property, have lost all control over, as well as possibilities to enjoy, their land. As the Court has noted previously (see paragraphs 172-73 above), the physical exclusion of Greek-Cypriot persons from the territory of northern Cyprus is enforced as a matter of 'TRNC' policy or practice. The exhaustion requirement does not accordingly apply in these circumstances.

The Court recalls its finding in the *Loizidou* judgment (merits) that that particular applicant could not be deemed to have lost title to her property by operation of 'Article 159 of the TRNC Constitution', a provision which it held to be invalid for the purposes of the Convention (p. 2231, § 44). This conclusion is unaffected by the operation of 'Law no. 52/1995'. It adds that, although the latter was not invoked before the Court in the *Loizidou* case, it cannot be attributed any more legal validity than its parent 'Article 159' which it purports to implement.

The Court is persuaded that both its reasoning and its conclusion in the *Loizidou* judgment (merits) apply with equal force to displaced Greek Cypriots who, like Mrs *Loizidou*, are unable to have access to their property in northern Cyprus by reason of the restrictions placed by the 'TRNC' authorities on their physical access to that property. The continuing and total denial of access to their property is a clear interference with the right of the displaced Greek Cypriots to the peaceful enjoyment of possessions within the meaning of the first sentence of Article 1 of Protocol No. 1. It further notes that, as regards the purported

expropriation, no compensation has been paid to the displaced persons in respect of the interferences which they have suffered and continue to suffer in respect of their property rights.

The Court notes that the respondent Government, in the proceedings before the Commission, sought to justify the interference with reference to the inter-communal talks and to the need to rehouse displaced Turkish-Cypriot refugees. However, similar pleas were advanced by the respondent Government in the *Loizidou* case and were rejected in the judgment on the merits (pp. 2237-38, § 64). The Court sees no reason in the instant case to reconsider those justifications.

For the above reasons the Court concludes that there has been a continuing violation of Article 1 of Protocol No. 1 by virtue of the fact that Greek-Cypriot owners of property in northern Cyprus are being denied access to and control, use and enjoyment of their property as well as any compensation for the interference with their property rights." (ECHR 10 May 2001, paras. 184-189)

*For more information on the Loizidou case, see "The European Court of Human Rights held Turkey responsible for the violation of the property rights of Greek Cypriots (1996-1999)" [Internal link]*

### **Violation of property rights of Greek Cypriots living in northern Cyprus (2001)**

- Properties of Greek-Cypriot owners who leave North Cyprus permanently are deemed to be abandoned and liable to reallocation to third parties
- Property of Greek Cypriots in the north cannot be bequeathed by them and passes to the authorities as "abandoned"
- The European Court for Human Rights concluded that property rights of the Greek Cypriots living in northern Cyprus were violated (May 2001)
- Reforms announced by the Turkish Cypriot authorities in 1998 have remained unrealised

"The Court notes from the facts established by the Commission that, as regards ownership of property in the north, the 'TRNC' practice is not to make any distinction between displaced Greek-Cypriot owners and Karpas Greek-Cypriot owners who leave the 'TRNC' permanently, with the result that the latter's immovable property is deemed to be 'abandoned' and liable to reallocation to third parties in the 'TRNC'.

For the Court, these facts disclose a continuing violation of Article 1 of Protocol No. 1 in respect of Greek Cypriots living in northern Cyprus in that their right to the peaceful enjoyment of their possessions was not secured in case of their permanent departure from that territory.

The Court further observes that the evidence taken in respect of this complaint also strongly suggests that the property of Greek Cypriots in the north cannot be bequeathed by them on death and that it passes to the authorities as 'abandoned' property. It notes that the respondent Government contended before the Commission that a court remedy could be invoked by an heir in order to assert inheritance rights to the property of a deceased Greek-Cypriot relative. The Court, like the Commission, is not persuaded that legal proceedings would hold out any prospects of success, having regard to the respondent Government's view in the proceedings before the Commission that the property of deceased Greek Cypriots devolves on the authorities in accordance with the notion of 'abandoned' property. It further notes that heirs living in the south would in fact be prevented from having physical access to any property which they inherited.

Accordingly, Article 1 of Protocol No. 1 has also been breached in this respect, given that the inheritance rights of persons living in southern Cyprus in connection with the property in northern Cyprus of deceased Greek-Cypriot relatives were not recognised." (ECHR 10 May 2001, paras. 269-270)

"Turkish Cypriot authorities reportedly continue to restrict the ability of Greek Cypriots and Maronites living in the northern part of the island to change their place of residence. Despite an announcement in 1998 on a revision of relevant regulations Greek Cypriots and Maronites are reportedly unable to bequeath immovable property located in the north if their heirs are not resident in the north." (UNCHR 21 March 2003, para. 9)

### **The European Court of Human Rights held Turkey responsible for the violation of the property rights of Greek Cypriots (1996-1999)**

- In the *Loizidou* case, the Court ruled that Turkey committed a continuing violation of the rights of a Greek Cypriot woman by preventing her from going to her property located in northern Cyprus (1996)
- The ruling also reaffirmed the validity of property deeds issued prior to 1974
- Turkey has still not complied with its obligations under the Court's judgement on 28 July 1998
- Similar cases of Cypriots against Turkey, pending before the Human Rights Court, are estimated to number around 150-200 as of November 2000
- A report by the European Commission of Human Rights, released in September 1999, confirmed again Turkey's responsibility for violations concerning the homes and properties of displaced Greek Cypriots

#### European Court of Human Rights: Case of *Loizidou v. Turkey* (28 November 1996)

"The case was referred to the Court by the Government of the Republic of Cyprus ('the Cypriot Government') on 9 November 1993, within the three-month period laid down by Article 32 § 1 and Article 47 of the Convention for the Protection of Human Rights and Fundamental Freedoms ('the Convention'). It originated in an application (no. 15318/89) against the Republic of Turkey ('the Turkish Government') lodged with the European Commission of Human Rights ('the Commission') under Article 25 by a Cypriot national, Ms Titina Loizidou, on 22 July 1989.

[...]

In its judgment on the merits of 18 December 1996 ('the principal judgment') the Court [...] found that the continuous denial of the applicant's access to her property in northern Cyprus and the ensuing loss of all control over the property was a matter which fell within Turkey's 'jurisdiction' within the meaning of Article 1 of the Convention and was thus imputable to Turkey. It also found that there had been a breach of Article 1 of Protocol No. 1 in that the applicant had effectively lost all control over, as well as all possibilities to use and enjoy, her property. However it found that there had been no interference with the applicant's right to respect for her home under Article 8 of the Convention (Reports of Judgments and Decisions 1996-VI, pp. 2227-2238, §§ 31-66, and points 1-4 of the operative provisions)." (European Court of Human Rights 28 July 1998, paras. 1-2)

"In 1996 the European Court of Human Rights ruled 11 to 6 that Turkey committed a continuing violation of the rights of a Greek Cypriot woman by preventing her from going to her property located in north Cyprus. The ruling reaffirmed the validity of property deeds issued prior to 1974. The Court also found in this case that 'it was obvious from the large number of troops engaged in active duties in northern Cyprus that the Turkish army exercised effective overall control there. In the circumstances of the case, this entailed Turkey's responsibility for the policies and actions of the "TRNC." In July the Court ordered Turkey to pay the woman approximately \$915,000 in damages and costs by October 28. The Turkish Government stated that it cannot implement the Court's decision, which it contends is a political decision, and argued that the land in question is not Turkish but is part of the 'Turkish Republic of Northern Cyprus'." (U.S. DOS 26 February 1999, sect. 2d)

*See full text of the Judgement of the European Court of Human Rights, Case *Loizidou v. Turkey*, 28 November 1996 and 28 July 1998 [Internet]*



*See also "The European Commission of Human Rights confirmed continuing violations of the property rights of displaced persons by Turkey (1999)" [Internal link]*

"During the year [2002], the Council of Europe continued to call on the Turkish Government to comply with the ECHR's decision in 1996 calling for it to compensate a Greek Cypriot woman who was prevented from going to her property in northern Cyprus. The ruling reaffirmed the validity of property deeds issued prior to 1974. Approximately 80 similar cases filed by Greek Cypriots through the Office of the Attorney General against Turkey were made admissible by the ECHR, but no judgments had been issued in any of the other cases by year's end. Reports indicated that other cases not filed through the Attorney General's Office may also be pending." (U.S.DOS 31 March 2002, sect. 2d)

*See for instance:*

*Parliamentary Assembly of the Council of Europe:*

*Recommendation 1576 (2002) - Implementation of decisions of the European Court of Human Rights by Turkey, 23 September 2002 [Internet]*

*Resolution 1297 (2002) - Implementation of decisions of the European Court of Human Rights by Turkey, 23 September 2002 [Internet]*

*Committee of Ministers*

*Reply to Recommendation 1576 (2002) Implementation of decisions of the European Court of Human Rights by Turkey, 31 March 2003 [Internet]*

### **Experts confirm that property abandoned by the displaced Greek Cypriots have been allocated to migrants from Turkey (1992)**

- The aim of the Turkish Cypriot Administration's policy towards the settlers has been to promote their permanent establishment on the island

Report by Mr. Cuco, Member of the Parliamentary Assembly of the Council of Europe

"Both parties [Cyprus and Turkey ] admit that two particularly large waves arrived in 1975 and 1977. They were probably massive as, even taking the lowest estimates, they represented the arrival of a group of persons making up more than 10% of the Turkish-Cypriot population at that time. The Turkish army also moved in permanently at that juncture. Since then, there has been a smaller, but steady flow, although it has had less impact on the total population, owing to the simultaneous emigration of Turkish Cypriots.

[...]

I was not personally able to see whether the settlers had moved into particular villages. According to Professor Heinritz and Professor Brey, the population movements that followed the events of 1974 could have depopulated some villages in the north. During their visits to the northern part of Cyprus, the two professors were able to determine that this was not the case and that the settlers had moved into villages that had been abandoned by Greek Cypriots.

[...]

The aim of the Turkish-Cypriot Administration's policy towards the settlers has been to promote their permanent establishment on the island. The settlers are granted housing, land or other properties on special terms. They are issued with a "concession certificate" which they are not entitled to sell or pass on to a third party until a period of twenty years has elapsed." (COE 27 April 1992, paras. 88-97)

# PATTERNS OF RETURN AND RESETTLEMENT

## General

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### **Despite resettlement efforts by the Cypriot authorities, displaced Greek Cypriots still talk about returning (1997-2000)**

"The vast majority of the refugees from the north were villagers with close-knit kinship ties and attachments to the land and their orange and lemon groves. Those who could boarded with relatives and friends in the south. The rest had to be accommodated in light shacks made of plywood and gypsum, and desperately cold and draughty in winter. Although these ex-villagers are now, after years of emergency housing, living in housing estates, many of them still talk and think about returning to the former homes in the north." (Kyle December 1997, pp. 19-20)

"Twenty displaced Greek Cypriot women engaged in a hunger strike in December on the occasion of the 50th anniversary of the Universal Declaration of Human Rights, demanding the right to return to their homes in northern Cyprus." (USCR 2000, p. 188)

"UN-sponsored negotiations on the reunification of Cyprus continued in September and November 2000 with limited results, particularly on the contentious issue of refugees and property return. Greek Cypriots protested the impasse in negotiations throughout the year." (USCR 2001, p. 214)

*See also "The associations of displaced communities assert their right to return (2002)" [\[Internal link\]](#)*

# NATIONAL AND INTERNATIONAL RESPONSES

## National response

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### Government of the Republic of Cyprus' programmes for the displaced

A law grants to IDPs a special "refugee identity card" and the national IDP status is transmissible to children of IDPs (see text of the law, unofficial translation, below).

Once the problem of temporary accommodation was solved, the Greek Cyprus government adopted housing programmes and other social measures in order to assist the displaced populations. The Government also undertook the repair and maintenance of existing old Turkish Cypriot houses which were then handed over to displaced families for temporary accommodation until they are returned to their legal owners. In order to finance the various programmes for the relief of the displaced, the Cyprus Government has set up the Special Relief Fund, which draws revenue from special taxation and from foreign contributions. From September 1974 to March 1978 each destitute displaced family was provided with assistance in kind and allowances according to the size and the needs of the family (Republic of Cyprus, Press and Information Service 1999, pp. 184-168).

Property of Turkish Cypriots in the area under the control of the Government of Cyprus is administered by the Directorate for Turkish Cypriot property management, an authority coming under the Minister of the Interior. In principle, Turkish Cypriots settling in the south or having emigrated abroad before 1974 are entitled to recover their property (although some unwarranted delays have been noted by the Ombudsman in the processing of reinstatement applications). Things do not work like that for the displaced Turkish Cypriots who have settled in the northern part of the island. They still legally own their assets but are not entitled to dispose of them (CoE June 2003).

### Population-data Archives Law, 141 (I)/2002 "Chapter VIII Part I – Refugee Identity Card

119. Displaced person - Displaced person means a person whose –

- (a) the permanent domicile is in the occupied (by the Turkish troops) areas and it is not reachable;
- (b) the permanent domicile is in the neutral zone, which is controlled by the Peace Force (of the United Nations), or, if it was vacated, is used for the needs of the National Guard:

Provided, that children descending from a displaced father are considered to have their permanent residence in the occupied areas and, therefore, for the purposes of this Law, they are considered to be displaced persons from the same place where their father comes from;

It is further provided, that persons who, before and until the (Turkish) invasion, had their usual residence in the free areas, because of their profession, but their domicile and/or immovable property is in the occupied areas, are considered as displaced persons for the purposes of this Law:

It is also further provided, that persons who, before and until the (Turkish) invasion, had their temporary residence abroad and they were not immigrants, out their domicile and/or immovable property was in the occupied areas, are considered as displaced persons for the purposes of this Law.

120. Use of refugee identity card by non-entitled persons - Any person who, not being a displaced person, uses a refugee identity card, is committing a criminal offence and, in case of being convicted, is liable to a penalty of imprisonment up to six months or to a monetary penalty (fine) not exceeding five hundred (Cyprus) pounds and/or to both such penalties,

121. Issue of refugee identity card - Issue of refugee identity card - Notwithstanding the provisions of any other Law, the provisions of sections 59, 60, 61, 62, 63 and 64 of Chapter III (Parts I and II) of this Law apply, mutatis mutandis, to any matter in relation to the examination of any application submitted for the issue and granting and/or replacement of a refugee identity card.

122. Regulations - The Council of Ministers may issue Regulations to be submitted to the House of Representatives for approval and publication in the Official Gazette of the Republic (of Cyprus), for regulating any other matter for the better application of the provisions of this Law and, especially, for the form of applications and of the refugee identity cards and/or for the manner and the procedure of examining the application for issuing and/or replacing of refugee identity cards." (Official Gazette 26 July 2002)

***Note: This is an unofficial translation of the Law. Words in brackets are not part of the original text in Greek.***

### ***Turkish Republic of Northern Cyprus***

In 2003, the TRNC adopted regulation and set up a commission with authority to examine the claims of the pre-1974 owners of buildings or their heirs. According to the law, persons wishing to approach the commission shall have an unrestricted right of access to the northern part of the island for the purposes of the relevant procedure. However, the regulation only contemplates the award of compensation for loss of ownership and use, and does not enable claimants to recover possession and enjoyment of their property (CoE June 2003)

## **International response**

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### **Coordination and Policy**

UNHCR opened an office in Cyprus in 1974 to act as the coordinator of humanitarian assistance to the displaced from both communities. This function was intended to be bi-communal and aimed at promoting projects which would benefit all Cypriots.

Starting 1987, UNHCR implemented "bi-communal" projects and activities in an attempt to forge greater cooperation between Turkish and Greek internally displaced Cypriots. UNHCR withdrew as the projects evolved into a developmental phase in mid-1997, and in consultations with UNDP, it was decided that those activities would be handed over to UNOPS, the United Nations Office for Project Services (Office of the UNHCR Chargé de Mission in Cyprus, 11 January 2001).

In 1998, UNDP took over from UNHCR the role of coordinating humanitarian assistance for approximately 200,000 Greek Cypriots displaced in the south and about 65,000 Turkish Cypriots displaced in the north (USCR 1999). UNDP, through UNOPS, also continued to encourage Greek Cypriots and Turkish Cypriots to work together in the preparation and implementation of projects in areas of mutual concern, notably public health, environment, sanitation, water, urban renovation, preservation of cultural heritage, natural resources and education (UNSC 30 May 2001, para. 13).

***For more information see website of [UNOPS in Cyprus](#) [Internet]***

## ABBREVIATIONS AND ACRONYMS

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CMP	Committee on Missing Persons
CYPOL	Cyprus Police
EC	European Community
EU	European Union
GA	General Assembly
IDP	Internally displaced person
TFSC	Turkish Federated State of Cyprus
TRNC	Turkish Republic of Northern Cyprus
UN	United Nations
UNDP	United Nations Development Programme
UNFICYP	United Nations Peacekeeping Force in Cyprus
UNHCR	United Nations High Commissioner for Refugees

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