

CHAPTER 10

**The Turkish invasion:
the international community
response**

N i k o s C h r i s t o d o u l i d e s

Aims

This chapter aims to present the response of the main international and European organizations on the Turkish invasion in Cyprus in 1974. Special reference will be made of the international community response on the consequences of the Turkish invasion, such as the issues of the missing persons, the refugees, the enclaved persons and the settlers. At the same time the chapter touches on the United States and the (then) Soviet Union response on the Turkish aggression against Cyprus in 1974.

After studying this chapter, students will be familiar with

- The tragic consequences of the 1974 Turkish invasion,
- The issue of the missing persons and how the international community dealt with the issue,
- What was the purpose behind the Turkish policy of colonization of the occupied areas of the Republic of Cyprus,
- The drama from the violation of basic human rights for all those that refused to leave their homes in the occupied areas (the enclaved persons),
- Landmark decisions by the European Court of Human Rights on aspects of the Cyprus Problem,
- The logic behind the United States and Soviet Union non-reaction to the Turkish invasion of 1974.

Keywords

- 36.2% of territory
- missing persons
- Council of Europe
- Third Vienna Agreement
- Resolution 550
- Resolution 541
- United Nations
- European Parliament
- Case of Loizidou v. Turkey
- Cold War
- 170,000 refugees
- destruction of the cultural and religious heritage
- colonization of the occupied areas
- change the demographic character
- “turkish republic of northern cyprus”
- Committee of Missing Persons
- illegal exploitation of the properties
- The European Court of Human Rights
- Henry Kissinger
- Fourth Interstate Application of Cyprus against Turkey

Introduction

On 20 July 1974, using as pretext the coup by the Greek junta against the democratically elected president Makarios, Turkey invaded Cyprus and occupied **36.2% of the territory of the Republic of Cyprus**. The results of the invasion were tragic: **170,000 Greek Cypriots refugees**, more than **1500 missing persons, destruction of the cultural and religious heritage** in the occupied areas of Cyprus, **illegal exploitation of the properties** of the refugees, **colonization of the occupied areas** and many more. As expected, the invasion and its tragic human consequences, led to the reaction of the international community.

The United Nations reaction

A. The Security Council

On 20 July 1974, the day of the Turkish invasion in Cyprus, the United Nations Security Council adopted unanimously Resolution 353. According to the Resolution, the Security Council, gravely concerned about the situation in the island which led to a serious threat to international peace and security and which created a most explosive situation in the whole Eastern Mediterranean area, called upon all States to respect the sovereignty, independence and territorial integrity of the Republic of Cyprus and demanded an immediate end to foreign military intervention in Cyprus, together with the withdrawal from the island of foreign military personnel (*United Nations Security Council and General Assembly Resolutions on Cyprus 1960-2006*, Ministry of Foreign Affairs, Nicosia, 2006, pp. 46-47).

Few days later and after the second phase of the Turkish invasion of Cyprus, the Security Council adopted Resolution 360 (on 16 August 1974), under which it recorded its disapproval for the unilateral military actions undertaken against the Republic of Cyprus urged the parties concerned to resume without delay negotiations whose outcome should not be impeded or prejudged by the acquisition of advantages resulting from military operations (*United Nations Security Council and General Assembly Resolutions on Cyprus 1960-2006*, Ministry of Foreign Affairs, Nicosia, 2006, p. 53).

Security Council Resolution 361, adopted on 30 August 1974, was also very important. In the Resolution, among other things, the Security Council, “conscious of its special responsibilities under the United Nations Charter”, noted that a large number of people on the island had been displaced, and were in need of humanitarian assistance and called upon all parties to do everything in their power to alleviate human suffering and to ensure the respect to fundamental human rights for all persons. Furthermore, the Security Council expressed its grave concern at the plight of the refugees and other persons displaced as a result of the situation in Cyprus and urged the parties concerned, in conjunction with the Secretary-General, to search for peaceful solutions for the problems of refugees, and take appropriate measures to provide for their relief and welfare and to permit persons wishing to do so, to return to their homes in safety (*United Nations Security Council and General Assembly Resolutions on Cyprus 1960-2006*, Ministry of Foreign Affairs, Nicosia, 2006, pp. 54-55).

Contrary to the above UN Resolution, Turkey unilaterally declared on 13 February 1975 the area under occupation in Cyprus as a “Turkish Federated State”. As a result of this illegal action, the Security Council adopted by consensus on 12 March 1975 Resolution 367, according to which the Council called on all States to respect the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus and urgently requested them, as well as the parties concerned, to refrain from any action which might prejudice that sovereignty, independence, territorial integrity

and non-alignment, as well as from any attempt at partition of the island or its unification with any other country (*United Nations Security Council and General Assembly Resolutions on Cyprus 1960-2006*, Ministry of Foreign Affairs, Nicosia, 2006, pp. 59-60).

B. The General Assembly

At the same time, following the Turkish invasion in Cyprus, the United Nations General Assembly adopted numerous Resolutions on the issue of Cyprus. On 1st November, 1974, the General Assembly adopted Resolution 3212(XXIX) by 117 votes in favour, none against and no abstentions, according to which the General Assembly gravely concerned about the continuation of the Cyprus crisis, which constituted a threat to international peace and security, called upon all states to respect the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus and to refrain from all acts and interventions directed against it. At the same time, the General Assembly, urged for the speedy withdrawal of all foreign armed forces and foreign military presence and personnel from the Republic of Cyprus and the cessation of all foreign interference in its affairs (*United Nations Security Council and General Assembly Resolutions on Cyprus 1960-2006*, Ministry of Foreign Affairs, Nicosia, 2006, pp. 192-193). Concerning the issue of refugees, the General Assembly stated that all the refugees should return to their homes in safety and called upon the parties concerned to undertake urgent measures to that end.



Cultural heritage desecrated: the ruins of Panaghia Kanakaria

Despite the above mentioned Resolutions and various efforts to find a just and lasting solution to the Cyprus Problem and its tragic consequences, no real progress was achieved due to the Turkish intransigence. Furthermore, Turkey continued its policy of **colonizing the occupied areas** of Cyprus by sending thousands of Turks from mainland Turkey in order to **change the demographic character** of the island (Christos P. Ioannides, *In Turkey's Image: The Transformation of Occupied Cyprus into a Turkish Province*, New York, 1991). At the same time, through its policy of colonization Turkey attempted to change the population balance in the occupied areas in order to control the Turkish Cypriots who massively started to emigrate after 1974. Furthermore, Turkey continued its unhuman behaviour towards those Greek Cypriots and Maronites who decided in 1974 not to abandon their houses, mainly in the Karpass (Karpasia) Peninsula and in villages of the district of Kerynia. As a consequence, the number of the 20000 people who decided in 1974 to remain in their homes in the occupied areas gradually started to decrease.

The behaviour of the regime in the occupied areas against the Greek Cypriot enclaves was also in contrast to the **Third Vienna Agreement** reached in August 1975 between the two sides in the island. According to the said Agreement, "1. The Turkish Cypriots that were in the free areas of the Republic of Cyprus would be allowed, if they wanted to do so, to proceed to the occupied areas with their belongings under an organized programme and with the assistance of the United Nations

Force in Cyprus, 2. Mr. Denktash reaffirmed, and it was agreed, that the Greek Cypriots that were in the occupied areas were free to stay and that they would be given every help to lead a normal life, including facilities for education and for the practice of their religion, as well as medical care by their own doctors and freedom of movement in the occupied areas, 3. The Greek Cypriots that were in the occupied areas could, at their own request and without having been subjected to any kind of pressure, to move to the free areas of the Republic would be permitted to do so, 4. UNFICYP would have free and normal access to Greek Cypriot villages and habitations in the occupied areas”

[http://www.mfa.gov.cy/mfa/mfa2006.nsf/All/0658E5B2F4D1A538C22571D30034D15D/\\$file/August%201975.pdf](http://www.mfa.gov.cy/mfa/mfa2006.nsf/All/0658E5B2F4D1A538C22571D30034D15D/$file/August%201975.pdf)). Despite the Agreement reached in Vienna, the Turkish forces in the occupied areas of the Republic of Cyprus continued to cause serious and inhuman problems in the everyday life of the enclaves. As a result the numbers of the enclaves is today 361 Greek Cypriots and 128 Maronites. (http://www.unficyp.org/media/SG%20Reports/UNFICYP_Report_May_2010.pdf).

The UN bodies also examined the tragic consequences of the Turkish invasion and adopted special resolutions. For example, regarding the issue of the **missing persons**, the UN General Assembly adopted on 9 December 1975 (by 106 votes to none and 26 abstentions) Resolution 3450 (XXX), according to which the General Assembly gravely concerned about the fate of a considerable number of Cypriots who were missing as a result of the armed conflict in Cyprus, reaffirmed the basic human need of families in Cyprus to be informed about missing relatives and requested the United Nations Secretary-General to exert every effort in close co-operation with the International Committee of the Red Cross in assisting the tracing of and accounting for missing persons (*United Nations Security Council and General Assembly Resolutions on Cyprus 1960-2006*, Ministry of Foreign Affairs, Nicosia, 2006, p. 196).



The fate of Panaghia Chryseleousa in Sysklipos Kyreneia

Furthermore, on 16 December 1977 the General Assembly adopted, on the question of missing persons in Cyprus, the Resolution 32/128 according to which the General Assembly, concerned at the lack of progress towards the tracing of and accounting for missing persons in Cyprus requested the Secretary-General 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 (*United Nations Security Council and General Assembly Resolutions on Cyprus 1960-2006*, Ministry of Foreign Affairs, Nicosia, 2006, p. 201).

On 20 December 1978, the General Assembly adopted (by 69 votes to 6 and 55 abstentions) Resolution 33/172 urging the establishment of an investigatory body under the chairmanship of a representative of the Secretary-General with the co-operation 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 delay. According to the said Resolution, the Representative of the Secretary-General in Cyprus

should be empowered, in case of disagreement, to reach a binding independent opinion which should be implemented and called upon the parties to cooperate fully with the investigatory body and, to this effect, to appoint their representatives (*United Nations Security Council and General Assembly Resolutions on Cyprus 1960-2006*, Ministry of Foreign Affairs, Nicosia, 2006, p. 204). Following the said Resolution, the **Committee of Missing Persons (CMP)** was established. The CMP comprised of a representative of the Greek Cypriot community, a representative of the Turkish Cypriot community and a Third Member nominated by the International Committee of the Red Cross and appointed by the UN Secretary-General.

On 16 December 1981 the General Assembly adopted Resolution 36/164 reaffirming the basic human need of families to be informed, without further delay, about the fate of their missing relatives and called upon the parties concerned to facilitate, in a spirit of co-operation and goodwill, the Committee on Missing Persons in carrying out its investigative task (*United Nations Security Council and General Assembly Resolutions on Cyprus 1960-2006*, Ministry of Foreign Affairs, Nicosia, 2006, p. 208).

C. The UN Commission of Human Rights

Besides the Resolutions of the Security Council and the General Assembly, on 13 February 1975 the UN Commission of Human Rights examining the situation of Human Rights in Cyprus adopted Resolution 4 (XXXI). In the Resolution, the Commission alarmed by the continuation of the Cyprus crisis, called upon all parties concerned to adhere strictly to the principles of the United Nations Charter, the international instruments in the field of human rights, and the relevant resolutions of the General Assembly and the Security Council. At the same time, with the said Resolution, the Commission called upon all parties concerned to undertake urgent measures for the return of all refugees to their homes in safety and for the intensification of efforts aimed at tracing and accounting for missing persons (<http://www.moi.gov.cy/moi/pio/pio.nsf/All/937D3ED64C2B0266C2256D6D0035ADF5?OpenDocument>)

The same Commission adopted on 27 February 1976 Resolution 4 (XXXII), according to which the Commission mindful, of the Universal Declaration of Human Rights and the relevant international instruments in particular the provisions of the Geneva Conventions of 12 August 1949, renewed its call upon the parties concerned to undertake urgent measures to facilitate the voluntary return of all refugees and displaced persons to their homes in safety and to settle all other aspects of the refugee problem (<http://www.moi.gov.cy/moi/pio/pio.nsf/All/937D3ED64C2B0266C2256D6D0035ADF5?OpenDocument>). At the same time, all parties were urged to refrain from unilateral actions in contravention of the relevant United Nations resolutions, including changes in the demographic structure of Cyprus.

The “turkish republic of northern cyprus” and the UN reaction

In 1983, continuing its secessionist policy in Cyprus, Turkey illegally declared the so called “**turkish republic of northern cyprus**”. Following the illegal Turkish act, the Security Council adopted **Resolutions 541** and **550**. According to Resolution 541 (adopted by 13 votes to 1 against (Pakistan) with 1 abstention (Jordan)), the Security Council expressed its concern with the declaration of a so called “state” in occupied Cyprus and considered that this declaration was incompatible with the 1960 Treaty concerning the establishment of the Republic of Cyprus and the 1960 Treaty of Guarantee (*United Nations Security Council and General Assembly Resolutions on Cyprus 1960-2006*, Ministry of Foreign Affairs, Nicosia, 2006, pp. 87-88). Furthermore with the said Resolution, the Security Council stated that the attempt to create a “turkish republic of northern cyprus”, was invalid, and would contribute to a worsening of the situation in Cyprus and called for its withdrawal. One of the most important aspect of the said Resolution was its called upon all States to respect the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus and not to recognise any Cypriot state other than the Republic of Cyprus (*United Nations Security Council and General Assembly Resolutions on Cyprus 1960-2006*, Ministry of Foreign Affairs, Nicosia, 2006, p. 88).

According to Resolution 550, adopted by the Security Council on 11 May 1984 (adopted by 13 votes to 1 (Pakistan) with 1 abstention (United States) the Security Council, gravely concerned about the further secessionist acts in the occupied part of the Republic of Cyprus (namely the purported “exchange of Ambassadors” between Turkey and the legally invalid “turkish republic of northern cyprus” and the contemplated holding of a “Constitutional referendum” and “elections” in the occupied areas of Cyprus) and deeply concerned about threats for settlement of Varosha (the fenced area of Famagusta) by people other than its inhabitants, reiterated its call upon all States not to recognise the purported state of the “turkish republic of northern cyprus” set up by secessionist acts. At the same time, the Security Council called upon all States **not to facilitate or in any way assist the aforesaid secessionist entity** and to respect the sovereignty, independence, territorial integrity, unity and non-alignment of the Republic of Cyprus (*United Nations Security Council and General Assembly Resolutions on Cyprus 1960-2006*, Ministry of Foreign Affairs, Nicosia, 2006, pp. 90-91).

The reaction of the Council of Europe and the Parliamentary Assembly of the Council of Europe

Throughout the years, the Council of Europe also dealt with the Cyprus issue and the consequences of the 1974 Turkish invasion. Following the first phase of the Turkish invasion, the Council of Europe adopted Resolution 573 (on 29 July 1974) which condemned the coup d'état carried out in Cyprus and called upon the signatory states to guarantee the sovereignty, territorial integrity and security of Cyprus. In particular, the Council of Europe called for the re-establishment of human rights and fundamental freedoms, respect and a formal guarantee of the rights of the ethnic communities, in order to assure a lasting peace between the Greeks and Turks of the island (<http://www.moi.gov.cy/moi/pio/pio.nsf/All/C6DDA72FEDD6D6F0C2256D6E002C4705?OpenDocument>).

At other levels, several Committees of the Parliamentary Assembly of the Council of Europe examined throughout the years specific humanitarian aspects of the Cyprus Problem. For example, on a Report on refugees and missing persons in Cyprus, on 30 March 1987, the Parliamentary Assembly of the Council of Europe noted: "Observing that, human relations between the two communities [in Cyprus] can hardly develop positively unless agreement is reached on the painful problem of missing persons [and having in mind that] the families of missing persons are entitled to know the truth, recommends that the Committee of Ministers [of the Council of Europe]: a. continue its efforts to secure the repatriation or integration of the displaced persons and national refugees in Cyprus, while trying to find a solution to the problem of compensation for these people; b. support every effort made to cast light on the fate of missing persons in which respect a general amnesty on both sides would be helpful; c. ask the leaders of both the Greek and Turkish Cypriot communities not to alter the demographic structure of the island and especially to avoid untimely migratory movements" (<http://www.moi.gov.cy/moi/pio/pio.nsf/All/C6DDA72FEDD6D6F0C2256D6E002C4705?OpenDocument>).

Furthermore, a number of Reports from different Committees of the Parliamentary Assembly of the Council of Europe took place over the years. In a Report on the issue of settlers, dated 27 April 1992, **Alfons Cuco**, Member of the **Committee on Migration, Refugees and Demography of the Parliamentary Assembly of the Council of Europe**, stated that "The partition of the island, which the Council of Europe does not acknowledge, is essentially a political problem, but it also has a human dimension that is sometimes overlooked. Almost one third of the island's population has

been displaced by the conflict. The size of this population movement explains why the political and humanitarian aspects of the Cypriot question are so closely linked” (<http://www.moi.gov.cy/moi/pio/pio.nsf/All/C6DDA72FEDD6D6F0C2256D6E002C4705?OpenDocument>).

In his Report, Cuco also stated that since 1975, Turkish nationals have arrived in the occupied areas of Cyprus. “[their numbers] 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” (today -2011- the settlers are at least two times the number of Turkish Cypriots). According to the Report, 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” (<http://www.moi.gov.cy/moi/pio/pio.nsf/All/C6DDA72FEDD6D6F0C2256D6E002C4705?OpenDocument>).

The reference of the Rapporteur concerning the relations between the settlers and the Turkish Cypriots is also very important. As he stated “the settlers had preserved their original social, economic and cultural characteristics and were therefore viewed as foreign elements by a number of Turkish Cypriots” (<http://www.moi.gov.cy/moi/pio/pio.nsf/All/C6DDA72FEDD6D6F0C2256D6E002C4705?OpenDocument>). Furthermore, Cuco examined the policy of the regime in the occupied Cyprus towards the settlers. As he stated the aim of regime’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... To complete the demographic picture of Cyprus, account must also be taken of the presence on the island of several groups of aliens, the biggest being the Turkish army in the north of the island which, according to some estimates, numbers some 30 000 men (today-2011- the number is 43,000). This is a very substantial figure, equivalent to some 15% of the total population of the northern part of Cyprus. When travelling about in this part of the island, I noted the highly conspicuous presence of the Turkish army” (<http://www.moi.gov.cy/moi/pio/pio.nsf/All/C6DDA72FEDD6D6F0C2256D6E002C4705?OpenDocument>).

In his Conclusions, the Rapporteur mentioned that “The arrival and establishment of the Turkish settlers is the most notable demographic occurrence in Cyprus since 1974”. He further mentioned that the number of Turkish soldiers in the occupied areas compared to the number of people living in those areas “works out at one soldier per six civilians, a ratio that must be unique in Europe”. Finally, a very important conclusion of Cuco was his reference that Turkey’s policy of colonisation “constitutes a further barrier to a peaceful negotiated solution of the Cypriot conflict” (<http://www.>

www.moi.gov.cy/moi/pio/pio.nsf/All/C6DDA72FEDD6D6F0C2256D6E002C4705?OpenDocument).

Few years later, the Parliamentary Assembly of the Council of Europe examined the issue of the enclaved persons living in the occupied areas of the Republic of Cyprus. On 20 February 2003, in a Report of **Dick Marty**, member of the **Committee on Legal Affairs and Human Rights of the Assembly** presented his report on the issue of the enclaves. In his Report, with the title “**Rights and fundamental freedoms of Greek Cypriots and Maronites living in the northern part of Cyprus**”, Marty, having examined the situation, asked Turkey to “cease all humiliation of the Greek and Maronite communities and put an end to the climate of intimidation; end the dispossessions affecting members of these communities, by returning to the members of these communities the property and possessions of which they have been arbitrarily dispossessed, individually or collectively, or failing that offer them just compensation; ensure freedom of education and worship for Orthodox Christians and Maronites; end 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; grant all inhabitants the right to an effective remedy; ensure equal access to medical care; permit the communities to freely choose their representatives themselves” (<http://www.moi.gov.cy/moi/pio/pio.nsf/All/C6DDA72FEDD6D6F0C2256D6E002C4705?OpenDocument>). Based on the Report of the Rapporteur, the Parliamentary Assembly expressed its concern by the status imposed upon the Greek Cypriot and Maronite living in the occupied areas of Cyprus and the violation of their basic human rights. Of great importance was the reference that the Assembly was “shocked by the imposed division of families, the prohibition on young people returning to their homes, the arbitrary confiscations and expropriations and the general climate of apprehension and uncertainty, even fear, to which members of these communities are deliberately subjected” (<http://www.moi.gov.cy/moi/pio/pio.nsf/All/C6DDA72FEDD6D6F0C2256D6E002C4705?OpenDocument>).

In his explanatory memorandum, the Rapporteur paid also special attention to the issue of education of the enclaves. As he was stated “the Greek Cypriots have the problem that when their children have completed primary school in the north they have to continue their secondary and any university studies in the south, where they then settle once for all when their studies are finished in order to find work... One shocking feature is that young Greek Cypriot girls born in the northern part of the island but educated in the south can visit their parents during the holidays and at weekends up to the age of 18 but beyond that age are not entitled to return to settle in the northern part and can only return for a few weekends each year” (<http://www.moi.gov.cy/moi/pio/pio.nsf/All/C6DDA72FEDD6D6F0C2256D6E002C4705?OpenDocument>). In this regard, the Rapporteur found Turkey responsible for violations principally concern freedom of circulation, freedom to choose to live in one’s area of origin, the right to education, the right to religion, the right to an effective remedy and the right to property. Marty concluded that the discrimination suffered by these persons was unacceptable and incompatible with the European Convention on Human Rights.

Furthermore, in his conclusions, the Rapporteur after clearly stating that the enclaves were victims of human rights violations, he considered Turkey responsible for those acts. This reference of the Rapporteur was of great importance because Turkey, in its effort to achieve recognition for the so called “trnc”, was claiming that it did not have responsibility over the occupied area of Cyprus. As

Marty specifically mentioned “These violations, some of which are serious, are imputable to the administration set up by Turkey, which carries ultimate responsibility for acts committed in the territory in question” (<http://www.moi.gov.cy/moi/pio/pio.nsf/All/C6DDA72FEDD6D6F0C2256D6E002C4705?OpenDocument>).

A new Report on the issue of settlers, prepared by **Jaakko Laakso** of the **Committee on Migration, Refugees and Demography of the Parliamentary Assembly** of the Council of Europe published on 2 May 2003. The Report with the title “**Colonisation by Turkish settlers of the occupied part of Cyprus**”, mentioned that “*Since the de facto* partition of Cyprus in 1974, the demographic structure of the island has been continuously modified” (<http://www.moi.gov.cy/moi/pio/pio.nsf/All/C6DDA72FEDD6D6F0C2256D6E002C4705?OpenDocument>). At the same time, Laakso, referred to the increasing number of Turkish Cypriots leaving the occupied areas of Cyprus. This development, in connection with the increasing number of settlers resulted to the phenomenon where the “settlers have outnumbered the indigenous Turkish Cypriot population”. In his Report, the Rapporteur also touched on the issue how the continual decrease in the number of the enclaves together with the increase of settlers in the occupied areas changed the **demographic structure in the island**. As he stated, “Change in the demographic structure of Cyprus already underway, creates a real threat that in the long-term the considerable increase in the numbers of the Turkish-speaking population might be used for a justification of the inordinate claims of the Turkish side regarding territorial arrangements and political powers in a final settlement of the Cyprus problem... The presence of the settlers constitutes an additional and important obstacle to a peaceful negotiated solution of the Cyprus problem” (<http://www.moi.gov.cy/moi/pio/pio.nsf/All/C6DDA72FEDD6D6F0C2256D6E002C4705?OpenDocument>).

In the Report, Laakso agreed with the findings of the previous relevant Report of the Assembly, stating that “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” (<http://www.moi.gov.cy/moi/pio/pio.nsf/All/C6DDA72FEDD6D6F0C2256D6E002C4705?OpenDocument>).

Taking under consideration the Report of the Rapporteur, the Parliamentary Assembly of the Council of Europe, among other, called on Turkey, as well as its Turkish Cypriot subordinate local administration in occupied Cyprus, to stop the process of colonisation by Turkish settlers, and furthermore to comply with the relevant decisions of the European Court of Human Rights” (<http://www.moi.gov.cy/moi/pio/pio.nsf/All/C6DDA72FEDD6D6F0C2256D6E002C4705?OpenDocument>).

The European Court of Human Rights

On 22 July 1989, Titina Loizidou, a Greek Cypriot Refugee from Kerynia, filed an application against Turkey in the European Court of Human Rights (**Case of Loizidou v. Turkey**), for refusing her use of her property in the occupied town of Kerynia, ever since the Turkish invasion in Cyprus in 1974. In 1996 the Court ruled out that Turkey committed a **continuing violation of the rights of Titina Loizidou to visit and enjoy her property** in occupied Kerynia. Furthermore, the Court reaffirmed the validity of property deeds issued prior to the Turkish invasion of 1974 by the Republic of Cyprus (affirming therefore that is Mrs. Loizidou is still the legal owner of the property); and as a consequence, invalidated the action of Turkey to issue new title deeds after 1974. At the same time, the Court asked Turkey to pay Mrs Loizidou compensation for loss of use of her property since 1974 and to implement certain measures in order to provide Mrs Loizidou the right of the peaceful enjoyment of her property in occupied Kerynia.

On 2 December 2003, Turkey executed the monetary aspect of the judgment. Until today, Turkey has not complied with the second part of the Court's decision "regarding the individual and general measures that Turkey must implement in order to provide Mrs Loizidou with the right of the peaceful enjoyment of her property in Kerynia" ([http://www.mfa.gov.cy/mfa/mfa2006.nsf/All/90ADC505C94B392BC22571EA00271C6?OpenDocument&highlight=Loizidou vs. Turkey](http://www.mfa.gov.cy/mfa/mfa2006.nsf/All/90ADC505C94B392BC22571EA00271C6?OpenDocument&highlight=Loizidou%20vs.%20Turkey))

On 22 November 1994, the Republic of Cyprus, for the fourth time since 1974 filed an application against Turkey in the European Court of Human Rights (**Fourth Interstate Application of Cyprus against Turkey**), with respect to the situation that has existed in Cyprus since the Turkish invasion in Cyprus in July 1974 and the continued occupation of territory of Cyprus; it's content was that the Government of Turkey have continued to violate the Human Rights Convention (in particular to the Greek-Cypriot missing persons and their relatives, the home and property of displaced persons, the right of displaced Greek Cypriots to hold free elections, the living conditions of Greek Cypriots in the occupied areas and the situation of Turkish Cypriots living in occupied Cyprus). On 10 May 2001, in its decision, the European Court of Human Rights found Turkey **guilty of massive human rights violations in the occupied part of Cyprus**. More specifically, on the issue of **Missing Persons**, the Court stated that "Turkish authorities' failure to investigate effectively with an aim to clarify the whereabouts and fate of Greek Cypriot missing persons who disappeared in life-threatening circumstances was a continuing violation of the procedural obligation under Article 2 to protect the right to life. This failure of the Turkish authorities was also a continuing violation of Article 5 of the Convention in respect of any missing persons who were arguably in custody at the time they disappeared. In addition, the Court underlined that "the silence of the authorities...in the face of the real concerns of the relatives of the missing persons attains a level of severity which can only be categorized as inhuman treatment within the meaning of Article 3" (<http://www.mfa.gov.cy/mfa/>

mfa2006.nsf/All/90ADC505C94B392BC22571EA00271CC6?OpenDocument).

On the issues of the **Displaced Persons, Homes and Properties**, according to the Court findings, “The continuing and total denial of physical access by displaced Greek Cypriots to their property is a clear interference with their right to peaceful enjoyment of their possessions within the meaning of Article 1 of Protocol N.1. Article 13 was also violated because Greek Cypriots not residing in the occupied area of Cyprus had no remedy and could not contest interferences with their rights to property and to respect for their homes” (<http://www.mfa.gov.cy/mfa/mfa2006.nsf/All/90ADC505C94B392BC22571EA00271CC6?OpenDocument>).

Finally, concerning the **Living Conditions of the enclaved Greek Cypriots in the occupied areas**, the Court stated that “The right to respect for family life of enclaved Greek Cypriots was seriously impeded by measures imposed by the secessionist entity to limit family reunification denying the possibility of leading a normal family life. The Court also noted that the Greek Cypriot community was monitored in respect of its contacts and movements and that surveillance even extended to the presence of State agents in homes of Greek Cypriots on the occasion of social or other visits. The Court observed the view of the UN Secretary-General that the severe restrictions entailing the exercise of basic freedoms had the effect of ensuring that inexorably, with the passage of time, the Karpas community would cease to exist, referring in particular to the prohibition on bequeathing property to non-enclaved relatives and to the denial of the right of ultimate return of children who left to obtain secondary education. The enclaved of the Karpas community have also been found to suffer from discriminatory treatment; thus the Court noted a violation of Article 3 for degrading treatment on grounds of ethnic origin, race and religion. The Court also held that the Greek Cypriots of the Karpas had had their rights to freedom of religion under Article 9 violated by restrictions which prevented organization of Greek Orthodox religious ceremonies in a normal and regular manner. In addition, Article 10, for the freedom of expression has been violated as well as Article 1 of Protocol N.1 because the enclaved Greek Cypriots are not allowed to enjoy peacefully their possessions. A particularly serious violation, having regard to its impact on family life, is the denial of appropriate secondary-school facilities to the enclaved Greek Cypriots” (<http://www.mfa.gov.cy/mfa/mfa2006.nsf/All/90ADC505C94B392BC22571EA00271CC6?OpenDocument>).

The European Parliament reaction

Since 4th of July 1990 and the application of the Republic of Cyprus to join the then European Community the tragic consequences of the 1974 Turkish invasion were also extensively discussed in various EU bodies. For example, on 15 March 2007, the European Parliament adopted a resolution with the title “**Missing persons in Cyprus**”. According to the said Resolution, the European Parliament “1. Calls on the parties concerned to cooperate sincerely and honestly on a speedy completion of the appropriate investigations into the fate of all missing persons in Cyprus and to implement fully the ECHR judgment of 10 May 2001; 2. Calls on the parties concerned and all those who have, or are in a position to have, any information or evidence emanating from personal knowledge, archives, battlefield reports or records of detention places to pass it on to the CMP without any further delay; 3. Calls on the Council and the Commission to concern themselves actively with this problem, providing, inter alia, financial assistance to the CMP, and to take all necessary steps, in cooperation with the United Nations Secretary-General, to bring about the implementation of the aforementioned ECHR judgment and the relevant UN and European Parliament resolutions” (<http://www.moi.gov.cy/moi/pio/pio.nsf/All/D1941B95EED9D560C2256D6E002B7FDD?OpenDocument>).

Despite the above mentioned Reports, Resolutions and Opinions regarding the 1974 Turkish invasion in Cyprus and its tragic consequences by the main international and European institutions, no real progress has been achieved even in those humanitarian issues such as the missing persons and the enclaves. The main reason for this is the fact that no implementation mechanism exists for those Resolutions to be implemented. Furthermore, the lack of interest from the Great Powers in enforcing those Resolutions is another major reason for the lack of progress in the said issues.

The United States and Soviet Union reaction in the 1974 Turkish invasion

Concerning now the great powers of the era, neither the US nor the Soviet Union took any effective measures to stop the Turkish invasion in Cyprus and later, to put pressure on Turkey to either solve the Cyprus Problem or cooperate to solve the humanitarian consequences of the 1974 invasion. In fact the United States approached the Turkish actions in Cyprus in the summer of 1974 as way for “**permanently**” solving the Cyprus Problem. As Professor Van Coufoudakis correctly stated, the 1974 events in Cyprus “may have been unplanned as far as the United States was concerned, but it provided both a crisis and an opportunity for the involvement of **Henry Kissinger**. The primary task of American diplomacy was to control the risks of a broader Greco-Turkish confrontation over Cyprus and of a possible Soviet involvement. By carefully managing the crisis and controlling the risks, the United States could move to achieve the elusive peace on Cyprus. Thus, the Cypriot crisis had become another opportunity for Washington to attempt to impose stability” (Van Coufoudakis, “US Foreign Policy and the Cyprus Question: An Interpretation”, *Millenium: Journal of International Studies*, vol. 5, no. 3, Winter 1976-1977, pp. 246-268; Βενιζέλος Κώστας και Ιγνατίου Μιχάλης, *Τα μυστικά αρχεία του Κίσιντζερ*, Αθήνα 2002).

In general, US's interest in Cyprus was the result of its concern of a possible Greek-Turkish war that would cause serious problems in the NATO south eastern flank. In this regard, the 1974 Turkish invasion was approached by Washington as a way of “permanently solving” the issue of Cyprus, and as a result avoiding a possible Greek-Turkish war over Cyprus (Coufoudakis, Van, *Cyprus and International Politics*, Nicosia, Intercollege Press, 2007; Nicolet, Claude, *United States Policy Towards Cyprus, 1954-1974: Removing the Greek-Turkish Bone of Contention*, Manheim 2001). Following the Turkish invasion and its tragic consequences the US did nothing than to promote a solution that in great extent would recognise the fait accompli of the invasion. Even on the humanitarian issues of the missing persons, enclaves and displaced persons, Washington did not push Turkey to cooperate in finding a solution. Over the years, it has become obvious that Ankara is considered to be one of the most valuable strategic allies of the US in the area. In this regard and even though the US Congress in different cases adopted Resolutions over the issue of Cyprus, the US government did nothing towards Turkey in order to make it cooperate for the solution of the tragic consequences of the invasion (Coulombis, Theodore A., *The United States, Greece, and Turkey: The Troubled Triangle*, New York 1983; Stearns, Monteagle, *Entangled Allies – US Policy Toward Greece, Turkey, and Cyprus*, New York

1992).

From its side the non reaction from the Soviet Union (except within the UN forum) was a clear sign that Moscow was approaching the Cyprus crisis as a NATO problem since two NATO members (Greece and Turkey) were actively involved. As Coufoudakis stated “While the coup from Athens provided the rationalizations for the invasion, the absence of a Russian threat gave Kissinger the opportunity to permanently change the negotiating balance of power in Cyprus and to satisfy Turkey’s long-standing demands on the island. The post 1972 détente with the Soviet Union and the Kissinger-Gromyko understandings about regional superpower interests made Soviet-American relations very different from those of 1964. Kissinger assessed the role of the Soviet Union during the 1974 crisis in terms of what the Russians did not do” (Coufoudakis, Van, “The Cyprus Question: International Politics and the Failure of Peacemaking”, in Theodore Couloumbis *et al.* (eds.), *Greece in the Twentieth Century*, London, Frank Cass Publishers, 2003, pp. 111-135). Generally speaking, **Moscow** supported Cyprus within the UN forum but always with caution and without risking damage to its relations with its neighbour, Turkey (Norton, Richard Augustus, “The Soviet Union and Cyprus”, in Salem, Norma (ed.), *Cyprus, A Regional Conflict and its Resolution*, St. Martin’s Press-Canadian Institute for International Peace and Security (CIIPS), 1992, pp. 100-114).

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