

Human Rights in Cyprus and the Myth of Isolation of Turkish Cypriots

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The “Cyprus problem” is far from being a local issue. It is, primarily, a European issue. In its essence, it is the result of the invasion and continuing occupation by Turkey of 37% of the territory of the Republic of Cyprus. Cyprus, a member of the European Union, is, sadly, the last divided and occupied country of Europe.

In the meantime Turkey is negotiating its accession to the EU. In this context the EU is in a position to act as a catalyst for the reunification of the divided country and to put an end to the presence of 43.000 Turkish soldiers in the occupied part of the island. Faced with this very-hard-to-justify situation, Turkey has conjured up the myth of the so-called isolation of the Turkish Cypriots. In fact it is no other than Turkey, and its military presence on the island, which for more than thirty years forcibly imposed prohibition of movement across the UN ceasefire line. Prior to that, Turkey has systematically been implementing a geographic separation of the population along ethnic lines, by forcing the Greek Cypriots out of their homes in the occupied areas and moving the Turkish Cypriots into the occupied territory.

Since 2004, when Turkey authorised “regulated” movement across the UN ceasefire line, over 90% of Turkish Cypriots obtained the passport and the identity card of the Republic of Cyprus which permits them to circulate freely in the EU. As rightful citizens of the Republic of Cyprus, they can work in any part of the Republic and also travel abroad, unhindered, through the ports and the airports of the internationally-recognised Cypriot state. They can, further, use the port and airport facilities to export and import from them goods and services.

Turkey, however, whose military presence on the island is overbearing, discourage and prevents the export of Turkish Cypriot goods and services through the legal seaports and airports on the Republic. It does so despite the fact that the Government of Cyprus has offered special arrangements to Turkish Cypriots for their exports at the Larnaka port.

In the meantime the legal and internationally recognised Government of Cyprus has the obligation to defend its sovereign rights and the rule of law

concerning the use of ports or airports in its occupied territory. Cyprus cannot accept Ankara's aim to secure the secessionist regime under its control the attributes of an independent entity. Any movement in this direction only serves to promote the de facto recognition of an illegal and secessionist regime, in direct violation of international law and UN Security Council resolutions particularly resolutions 541 (1983) and 550 (1994).

Even independent analysts feel strongly that the so-called economic isolation of Turkish Cypriots has, in fact, been inflicted by the masters of the occupied areas of the island, back in 1983, with the unilateral declaration of independence. Since then, all efforts by the Republic to get Turkish-cypriot participation in non-political events, have been in vain. The Republic of Cyprus offered to Turkish Cypriots the opportunity of participation in any sporting or cultural event under the Cypriot flag. There was even an offer to participate in the delegation that negotiated Cyprus accession to EU. Only to be turned down by the Turkish side, time after time. What is also not that well-known outside the island, is that the Government of the Republic has always extended to Turkish Cypriots a number of essential services, including pensions and social security benefits. Turkish Cypriot patients are also given priority at public hospitals in the areas controlled by the Republic of Cyprus, and their treatment is, free of charge. All this, despite the fact that the T/C do not contribute to the government coffers nor do they pay social security contributions.

Also often overlooked is the fact that the Government of the Republic has supported the provision of EU financial assistance for the benefit of Turkish Cypriots with the only reservation that political stipulations not be attached to such financial aid. It is important to note that from the moment that Turkey partially lifted its ban on free movement across the divided parts of the island, back in 2003, living standards for the Turkish Cypriots have shot sky high. As borne by statistics, following Turkey's decision to allow T/C to come to the areas controlled by the Republic for work, the per capita income of the Turkish Cypriot community has trebled, from 4.000 USD in 2003 to 12.000 USD in 2007. In other words, far from widening, income disparities between the two communities have over the last four years narrowed sharply. And, no doubt, they would have narrowed even more, if Turkey did not prevent the Turkish Cypriots from enjoying the full benefits of a reunified economy and a re-united Cypriot market for goods, services, capital and technology. If there is anything true about the assertion of T/c sustaining the consequences of economic isolation, to the extent that Turkish troops have

separated a small economy into two halves, against the face of all economic evidence as to how best to promote improvement of living standards and progress towards per capita income parity, between the two communities

Another objective that Turkey is seeking to serve under the misleading slogan about “the need to end T/C economic isolation” is to cloud the violation of human rights in Cyprus for which it is fully responsible. This violation has been recognized by the European Commission of Human Rights as well as by the European Court of Human Rights. Ankara, with outmost disrespect for these decisions, continues in the meantime to transfer into the occupied areas thousands of settlers from Anatolia. Its aim is all too obvious: to change the ethnic composition of its population. So far more than 160.000 settlers have been transferred to the occupied area of Cyprus in violation of the Fourth Geneva Convention, article 49.6. This is a war crime governed also by article 8 of the Statute of the International Criminal Court. These settlers, incidentally, illegally participated in the referendum of April 2004, contrary to what the UN imposed in similar cases in Western Sahara and in the East Timor.

The British professor of Public Law, Claire Palley, former UK member of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, and former Constitutional Consultant to the President of Cyprus noted: “All who wish to turn a blind eye to Turkish settlers, to the illegality of their presence, to the unlawfulness of their voting in violation of the principle of self-determination, and to the interferences with Greek Cypriot rights of property by way of expropriation (and/or requisition) in order to provide housing and other amenities for them or other persons, now need to consider the Advisory Opinion pronounced on 9 July 2004 by the International Court of Justice. Although not binding, it is of high persuasive authority for all UN Member States”.

Turkey exploits the rejection by the Greek Cypriots of the deeply flawed and unbalanced Annan plan in April 2004 in order to legalize its military presence in Cyprus. But the Annan plan was not the result of an accord between the two parties. It was, rather, an act of arbitration which favoured the Turkish side. It was based on ethnic separation, stipulating for major derogations from the European Convention of Human Rights which deprived all Cypriots of their fundamental rights, while other EU nationals residing in Cyprus would have enjoyed all their rights under the Convention. Nevertheless, the Greek Cypriots are always in favour of a negotiated solution defined within the context of the *acquis communautaire*

and the principles of the EU on human rights. That is to say that all the citizens of the Republic of Cyprus, Greek or Turkish, should enjoy the same fundamental rights as all other EU nationals. There cannot be room for discrimination on the basis of ethnicity or religion.

The restoration of all human rights to the whole population of the island, including the freedom of movement, the freedom of settlement and the right to property, will lead to a viable, workable and lasting solution to the Cyprus problem. A solution that will put an end to Turkish occupation, reunify the country and its people, reintegrate its economy and satisfy the fundamental concerns of all its citizens on the basis of international law and the principles of the EU. In this respect, EU involvement in this effort is possible and desirable in the context of the «good offices» of the UN Secretary General and it will facilitate its efforts in this direction.

It is precisely through such an economic and political reunification, without artificial barriers and controls, that per capita income levels between the two communities will be driven towards parity. As the experience of South Africa under the apartheid regime so aptly manifests, so-called separate economic development only masks a wish to keep a section of the population permanently in a handicapped state of being. The government of the Republic of Cyprus and the vast majority of Greek Cypriots, do not advocate such a nasty and non-egalitarian two-state solution in the context of a tiny island with the second smallest economy inside the EU. What does Turkey and its proxies in the occupied areas of the island really want?