

# THE CYPRUS QUESTION

**A Brief Introduction**



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

Christopher Hitchens

HOSTAGE TO HISTORY: CYPRUS FROM THE OTTOMANS TO KISSINGER

Verso, London-New York 1997

- 13 churches are used as storage rooms or hay barns
- One church has been converted into a hotel
- One church has been rented out as an art school
- The cemeteries of at least 25 villages have been desecrated and destroyed
- Innumerable icons, religious artifacts and archaeological treasures have been stolen and smuggled abroad
- Illegal excavations and smuggling of antiquities are openly taking place all the time with the involvement of the occupying forces
- Greek place names have been arbitrarily and illegally changed to given Turkish ones.

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

Michael Jansen

"Cyprus: The Loss of a Cultural Heritage"

MODERN GREEK STUDIES YEARBOOK, University of Minnesota, Volume 2, 1986

## CONSEQUENCES OF THE TURKISH INVASION AND OCCUPATION IN FACTS AND FIGURES

- Over one third (36,2%) of the sovereign territory of the Republic of Cyprus remains occupied by Turkey
- More than 160.000 Greek Cypriots - about one quarter of the total population at the time - were forcibly expelled from the occupied northern part of the island where they constituted about 70% of the population and are still deprived of the right to return to their homes and properties. The Turkish Cypriots living in the free areas were forced to move by their leadership to the occupied areas
- Some 1.474 persons (among them several hundred civilians) are still missing, while the Turkish side refuses to co-operate fully in ascertaining their fate
- Some 500 Greek and Maronite Cypriots enclaved in their villages in the occupied areas are still living under oppression, deprivation and intimidation. (At the end of 1974 there were 20.000 enclaved most of whom were subsequently forced to abandon their homes by the illegal regime and became refugees)
- A force of more than 43.000 Turkish soldiers, heavily armed and equipped with modern weapons, and supported by the Turkish air force and navy, are still in the occupied areas of Cyprus
- More than 160.000 settlers from Turkey have been transplanted illegally and have colonized the occupied areas, as part of Turkey's policy to alter the demographic structure of the island
- More than 58.000 out of 116.000 Turkish Cypriots have emigrated since the invasion according to Turkish Cypriot sources because of the economic, social and moral situation prevailing in the occupied areas
- There has been systematic usurpation, misappropriation and exploitation of the properties in the occupied areas that belong the Greek Cypriots who were forcibly displaced by the Turkish invasion in 1974
- The illegal occupation regime, in collusion with Turkey, has systematically eradicated the cultural and historical heritage of 11.000 years in the occupied areas. Some examples:
  - 77 churches have been converted into mosques
  - 133 churches and monasteries have been desecrated
  - 18 churches are used as depots, barracks or infirmaries by the occupation forces

## FOREWORD

In July 1974 Turkey invaded the Republic of Cyprus in violation of the UN Charter and fundamental principles of international law. The tragic consequences of the military invasion and subsequent occupation of nearly forty percent of the sovereign territory of the Republic are still felt today by the people of this new EU member-state. Turkey's military aggression against Cyprus continues unabated for more than three decades. The military occupation, forcible division, population displacement, ethnic segregation, massive violation of human rights, colonization, attempted secession, cultural destruction and property usurpation, imposed since Turkey's invasion, constitute the status quo on the island since 1974. As the President of Cyprus, Tassos Papadopoulos, told the UN General Assembly (19 September 2006), "The Cyprus Problem essentially epitomises the inability of the international community to redress this set of massive violations of international legality."

Today, Turkey, an aspiring member of the European Union, still stands guilty of international aggression against a member-state of the Union. The status quo of foreign military occupation and forcible division of an independent, sovereign state is certainly unacceptable and must be redressed by the international community.

This informational booklet, updated for this second edition, is intended to introduce the reader to basic aspects of a major international issue, the "Cyprus Question" or "Cyprus Problem," and to the prospects for a viable settlement in line with European norms and the rule of law. It is a brief guide to a seemingly 'protracted conflict', providing background information to help place the current situation and new developments in proper historical perspective.

The last section of the booklet provides "Useful Information" relevant to the main text. The short, select bibliography at the end of the booklet is of course only indicative of the vast literature on the Cyprus problem. But the works mentioned can provide the reader with both a better understanding of and further guidance to an international issue that has engaged the international community for decades.

More information on the various dimensions of the Cyprus problem can be found on the website [www.moi.gov.cy/pio](http://www.moi.gov.cy/pio) and in other publications of the Press and Information Office (PIO). It is a convenient, comprehensive venue to current developments, background information and useful links to many other relevant sources. The reader is urged to explore this valuable resource for a more thorough exploration of the issues discussed in this booklet.

- 
- 1964** Arrival of UNFICYP (UN peacekeeping force). Turkey bombs and threatens to invade Cyprus. US President Johnson's intervention halts the threatened invasion
  - 1967** Turkey threatens to invade Cyprus. The US (Vance mission) ends the invasion threat
  - 1968** Start of UN-sponsored talks between the Greek and Turkish Cypriot communities to resolve the inter-communal conflict.
  - 1974 - 15 July** Coup against the government of the Republic of Cyprus organized by the military junta of Greece
  - 20 July** Turkey invades Cyprus and in a two-phase operation occupies nearly 37% of the Republic
  - 1975** Turkey, through the Turkish Cypriot leadership, creates the "Turkish Federated State of Cyprus" in the areas occupied by the Turkish army
  - 1983** The Turkish Cypriot leadership, with Turkey's support, unilaterally declares the "Turkish Republic of Northern Cyprus" ("TRNC") in the Turkish occupied areas of the Republic. The UN Security Council and all major international organizations condemn the action and call for the respect of the independence, sovereignty and territorial integrity of the Republic of Cyprus. The Security Council declares the secessionist act "legally invalid"
  - 1990** The Republic of Cyprus applies for membership in the EEC.
  - 1993** The European Commission issues its positive opinion on the application of Cyprus
  - 1994** The EU Corfu Summit decides that the next phase of enlargement will include Cyprus and Malta
  - 1998** Accession negotiations between Cyprus and the EU commence.
  - 2003 - 16 April** The Republic of Cyprus signs the Treaty of Accession to the EU in Athens
  - 23 April** The Turkish occupation regime announces partial lifting of restrictions it imposed since 1974 on the movement of persons across the ceasefire line
  - 2004 - 24 April** The Greek Cypriots overwhelmingly reject the Annan Plan (version V). The Turkish Cypriots, including the settlers, support the plan
  - 1 May** The Republic of Cyprus becomes a member of the European Union

## PRESIDENTS OF THE REPUBLIC OF CYPRUS:

<b>1960-1977</b>	Archbishop Makarios
<b>1977-1988</b>	Mr Spyros Kyprianou
<b>1988-1993</b>	Mr George Vassiliou
<b>1993-2003</b>	Mr Glafcos Clerides
<b>2003-present</b>	Mr Tassos Papadopoulos

## CHRONOLOGY:

**The recorded history of Cyprus dates to the 9th millennium BC.**

### 2nd and 1st millennium BC

Mycenaean and Achean Greeks settled in Cyprus bringing Greek culture to the island

**30BC-330AD** Cyprus a province of the Roman Empire

**330AD-1191** Cyprus a province of the Byzantine Empire

**1191-1571** Cyprus under the rule of the Crusaders, the Order of the Knights Templar, the French Lusignans (1192-1489) and the Venetians (1489-1571)

**1571-1878** Cyprus under Ottoman rule

**1878** Cyprus leased by the Ottoman Empire to Britain

**1914** Cyprus annexed by Britain following Turkey's alignment with Germany in WWI

**1923** Under the Treaty of Lausanne Turkey relinquishes all rights to Cyprus

**1925** Cyprus declared a British crown colony

**1931** First Greek Cypriot uprising against British rule

**1950** Makarios III elected Archbishop of Cyprus

**1954** Greece brings the issue of self-determination for Cyprus to the UN General Assembly

**1955-1959** Greek Cypriot anti-colonial struggle

**1959** Under agreements negotiated in Zurich and London by Greece, Turkey and Great Britain, Cyprus is granted independence (August 16) Proclamation of the Republic of Cyprus

**1960** President Makarios submits constitutional amendments for discussion which are rejected by Turkey and the Turkish Cypriot leadership. Insurrection by Turkish Cypriot extremists

## I. INTRODUCTION



Cyprus became an independent Republic on 16 August 1960. Unfortunately, since the invasion and continuing military occupation by Turkey in 1974, the island Republic remains forcibly divided. The dire consequences of this invasion, occupation and forcible division have been violations of human rights, massive colonization of areas under occupation, property usurpation, the destruction of cultural heritage and ethnic separation.

More than thirty years later, the "Cyprus Question" or "Cyprus Problem", as it is commonly referred to, remains unresolved, an affront to the international legal order and a threat to regional stability. Turkey's actions have been condemned by unanimous UN Security Council resolutions, UN General Assembly resolutions, international court decisions, and decisions by other major international and regional organizations. Regrettably, most of these resolutions and decisions remain unimplemented, thereby undermining the credibility of international institutions and of the international legal and political order. As a result, the Republic of Cyprus remains forcibly divided and occupied, the only such country in Europe since the end of the Cold War. It is imperative that the plight of a small and weak country like Cyprus be redressed.

On 1 May 2004, the Republic of Cyprus joined the European Union without achieving the desired goal of accession as a unified country. The government and people of Cyprus, however, remain committed to a viable settlement that would allow the genuine, peaceful and secure reunification of their country, in conformity with European norms. Only then will all Cypriots be able to benefit from EU membership.

Addressing the 60th session of the UN General Assembly (18 September 2005), President Tassos Papadopoulos explained that on 24 April 2004 the Greek Cypriot people rejected the UN proposed plan on Cyprus because it "did not provide for and could not bring about the reunification of the country, its society, economy and institutions..." The President also expressed his government's commitment to the Secretary-General's mission of good offices on Cyprus and called for a sustained peace process that:

- Would facilitate a negotiated settlement without any arbitration
- Would involve the active contribution of the European Union in the negotiation process
- Would put to referendum only an agreed settlement endorsed by the leadership of the two communities
- Would allow the negotiation process to continue to fruition without deadlines dictated by exogenous elements
- Would endorse a negotiated settlement that satisfies the concerns and

expectations of the people of Cyprus and not the interests of foreign powers on the island

- Would achieve a settlement consistent with the concept of a single reunified state, without abnormally long transitional periods for its implementation
- Would provide for a functional, working democracy that will not require exceptionally taxing efforts for basic governance.

In addition, the president expressed the hope that Turkey's EU accession process would "radically shift its mentality" and thus, ipso jure, "rid the Cyprus problem of some of its most intractable components and facilitate a settlement". Finally, the president reiterated his commitment to a bizonal, bicomunal federal Cyprus in line with the high-level agreements of 1997 and 1979 between the two Cypriot communities, the relevant UN resolutions, the EU *acquis communautaire*\* and international law.

President Papadopoulos renewed his determination to continue working towards such a settlement in his address to the 61<sup>st</sup> Session of the General Assembly of the United Nations (19 September 2006). He emphasized that the "failure of the last initiative did not alter our commitment, nor our willingness to work resolutely towards the reunification of our country." The President stressed, however, that "In seeking a fair and viable resolution of the core and substantive issues comprising the Cyprus problem, we should avoid inherent shortcomings which flawed the last negotiating effort undertaken by the UN and which diverted attention from basic principles that must be upheld."

President Papadopoulos also expressed disappointment that Turkey's EU accession course, which Cyprus has supported, has not had the "catalytic effect" on Ankara that it was hoped for with regard to the Cyprus problem. Such an effect would have changed Turkey's perception of Cyprus from that of "an adversary to that of a partner, a valuable neighbor, and a potential ally in the European Union," noted the President. "This change of attitude," he added, "Would render completely anachronistic those considerations that lead them to maintain their occupation army in Cyprus and stoke their confrontational approach."

Unfortunately, Turkey not only continues its aggression against Cyprus but also refuses to implement obligations it has undertaken towards the EU, obligations that affect directly the interests of Cyprus, an EU member-state. "Our generous attitude towards Turkey's accession to the EU," the President told the General Assembly, "is met with a blockade against my country in its bid to join several international and regional organizations and with a refusal to open their ports and airports to Cypriot vessels as required."

\* All the EU rules, laws, regulations, decisions, opinions and treaties

**Religion** Greek Cypriots are predominantly Christian and adhere to the Autocephalous Greek Orthodox Church of Cyprus. Turkish Cypriots are Muslims, while the smaller Cypriot communities of Maronites, Armenians and Latins belong to other Christian denominations.

**Defence** Since 2000 Cyprus has been contributing to the European Union defence capabilities and is participating in 5 of the 19 ECAP Project Groups, which deal with issues covering the deficiencies of the European Military Capabilities.

**UN Peace keeping Force in Cyprus (UNFICYP)** A UN Peace-keeping Force (UNFICYP), currently numbering 934 (2006) personnel. Established in 1964, its chief task now is to supervise the buffer zone along the 1974 ceasefire line, and maintain the UN ceasefire, given that Turkey still occupies part of the Republic.

**British Sovereign Base Areas** The British sovereign military bases at Akrotiri/Episkopi and Dhekelia cover 2,7% of the island's territory. The bases were retained by Britain under the 1960 accords which granted Cyprus its independence from British colonial rule.

### **Population**

854.300 (Dec. 2005)\*

76,8% (652.200) Greek Cypriots\*\*

10,3% (87.900) Turkish Cypriots

12,9% (110.200) foreign residents and workers

Population density: 88,4 persons per sq km.

\*The population does not include the illegal settlers from Turkey residing in the Turkish occupied part of Cyprus.

\*\*This figure includes the 8.000 (1%) Maronites, Armenians and Latins who opted to join the Greek Cypriot community. Under the 1960 Constitution they had to choose to belong to either the Greek Cypriot or Turkish Cypriot community.

**Economy** The free market economy in the government-controlled area has made remarkable recovery since 1974 attributed to, among other factors: the adoption of a market-oriented economic system, sound macroeconomic policies, a dynamic and flexible entrepreneurial community and a highly educated labour force. The economy turned from agriculture to services and light manufacturing. Today, Cyprus is a major tourist destination and a modern economy offering dynamic services with an advanced infrastructure. Additionally, Cyprus was ranked 29th in the 2003 Index of Human Development as included in the UN Development Programme Report (2005). On 29 April 2005 the Cyprus pound joined the EU Exchange Rate Mechanism II (ERM II) and expects to join the eurozone as early as 2008.

## V. USEFUL INFORMATION

### GENERAL

**The Republic of Cyprus** Name of State: Kypriaki Demokratia (Greek), Kibris Cumhuriyeti (Turkish), Republic of Cyprus (English). Although its northern part has been under foreign occupation since 1974, the Republic of Cyprus is internationally recognised as the sole legitimate State on the island with sovereignty over its entire territory.

**Location and Area** Cyprus is a small island of 9,251 sq kms (3,572 sq miles), extending 240 kms (149 miles) from east to west and 100 kms (62 miles) from north to south. It is strategically situated in the far eastern end of the Mediterranean at the crossroads of Europe, Africa and Asia, and in close proximity to the busy trade routes linking Europe with the Middle East, Russia, Central Asia and the Far East.

**Government** The Republic of Cyprus has a vibrant multi-party democratic system. Turkish Cypriots have refused to participate in the government since late 1963. The 1960 Constitution created a presidential system of government with three independent branches:

**Executive** The President [Head of State and Government] is elected by universal suffrage for a five-year term. Executive power is exercised through an 11-member Council of Ministers appointed by the President.

**Legislative** Unicameral House of Representatives. House members are elected by universal suffrage for a five-year term. The seats reserved for Turkish Cypriots remain vacant.

**Judiciary** The administration of justice is exercised by the separate and independent judiciary. Under the 1960 Constitution and other legislation in force, the following judicial institutions have been established: The Supreme Court, The Assize Courts and District Courts.

**International Relations** On foreign policy issues the Cyprus government aligns itself with the European Union position in the context of the EU's Common Foreign and Security Policy. Since 1974 the government's efforts focused primarily on ending Turkey's military occupation and the division of the island. Cyprus has long identified with the West but also has close relations with the rest of the world, including with Russia and other eastern European countries; India, China, Japan and other countries in Asia; Latin America, Africa, the Arab world and Israel. Cyprus is a member of many international organisations including: The World Trade Organisation (WTO) (1995), the Organisation for Security and Cooperation in Europe (OSCE) (1975), the Commonwealth (1961), the Council of Europe (CoE) (1961) and the United Nations (UN) (1960) and its specialised agencies.

**Languages** Greek and Turkish are the official languages. English is widely used.

## II. A POLITICAL OVERVIEW

### Issues Under Discussion, 1974-2005

The Cyprus problem remains one of military invasion and continuing occupation in violation of relevant unanimous UN Security Council resolutions. The negotiations, especially after 16 January 2002, aimed at a comprehensive solution for the reunification of Cyprus. Throughout this process, the government of Cyprus and the Greek Cypriot leadership sought a solution reflecting democratic norms, the UN Security Council resolutions, international law, European Union law and relevant court decisions. Specific issues under discussion include:

- The implementation of UN Security Council resolutions and the high level agreements that call for a bizonal, bicomunal federation
- A new power sharing formula under a federal government with adequate powers for effective governance, for safeguarding the unity of the Republic, and for meeting its international and EU obligations
- A Republic with a single sovereignty and international personality and a single citizenship
- Safeguards for the independence and territorial integrity of the Republic and the exclusion in whole or in part of union with any other country or any form of partition or secession
- Political equality between the Greek and Turkish Cypriot communities as defined in relevant Security Council resolutions
- No foreign interference and no unilateral right of intervention by another country
- Withdrawal of foreign forces under relevant UN Security Council and General Assembly resolutions
- The return of displaced persons and a property recovery system in conformity with the European Convention and court decisions
- The right to acquire property and reside without restrictive quotas based on ethnic or religious criteria
- Full respect for the human rights of all Cypriots under the European Convention
- The repatriation of illegal settlers to Turkey, except for limited humanitarian cases
- The compatibility of any settlement with the obligations and rights of the Republic of Cyprus in the EU
- The complete demilitarization of the Cypriot state.

## UN Negotiations, 2002-2004

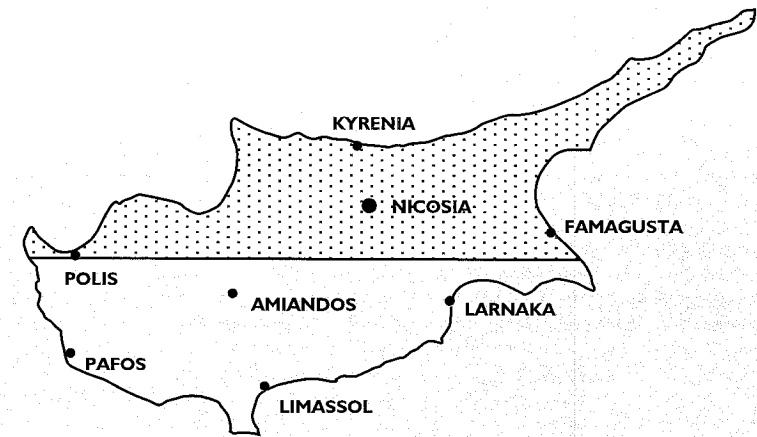
This period marks the more sustained effort under the good offices mission of the UN Secretary-General for a comprehensive settlement of the Cyprus problem. All earlier efforts, especially those of 1999-2000, deadlocked over the Turkish Cypriot demand, supported by Turkey, for recognition of their illegal "state" in the areas of the Republic occupied by Turkey.

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

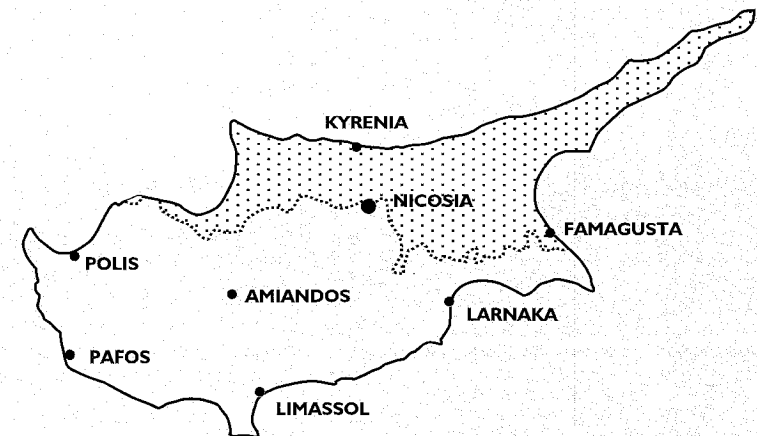
The Secretary-General asked to meet with the leaders of the two communities at the Hague on 10 and 11 March 2003 to find out whether they were prepared to submit his latest proposals to separate and simultaneous referenda. The newly elected president of the Republic of Cyprus, Tassos Papadopoulos, agreed, provided the Cypriot public was offered a complete legal and political settlement framework for their consideration; Greece and Turkey had reached an agreement on vital security issues; and there was adequate time for discussion and a public campaign prior to the referendum. The Turkish Cypriot side, with strong backing from Turkey, rejected the proposal of the Secretary-General.

On 14 January and 26 February 2003 massive Turkish Cypriot demonstrations took place in the occupied areas against Turkish Cypriot leader Rauf Denktaş and his Ankara supported policies. The Republic of Cyprus, as expected, signed the EU Treaty of Accession on 16 April 2003.

On 23 April 2003, under growing public Turkish Cypriot opposition and international pressure following the Turkish rejection of the UN proposal (Annan III), Turkey and the Turkish Cypriot leadership were forced to partially lift restrictions, which they had imposed since 1974 along the UN ceasefire line, on the movement of Greek and Turkish Cypriots. Since then, thousands

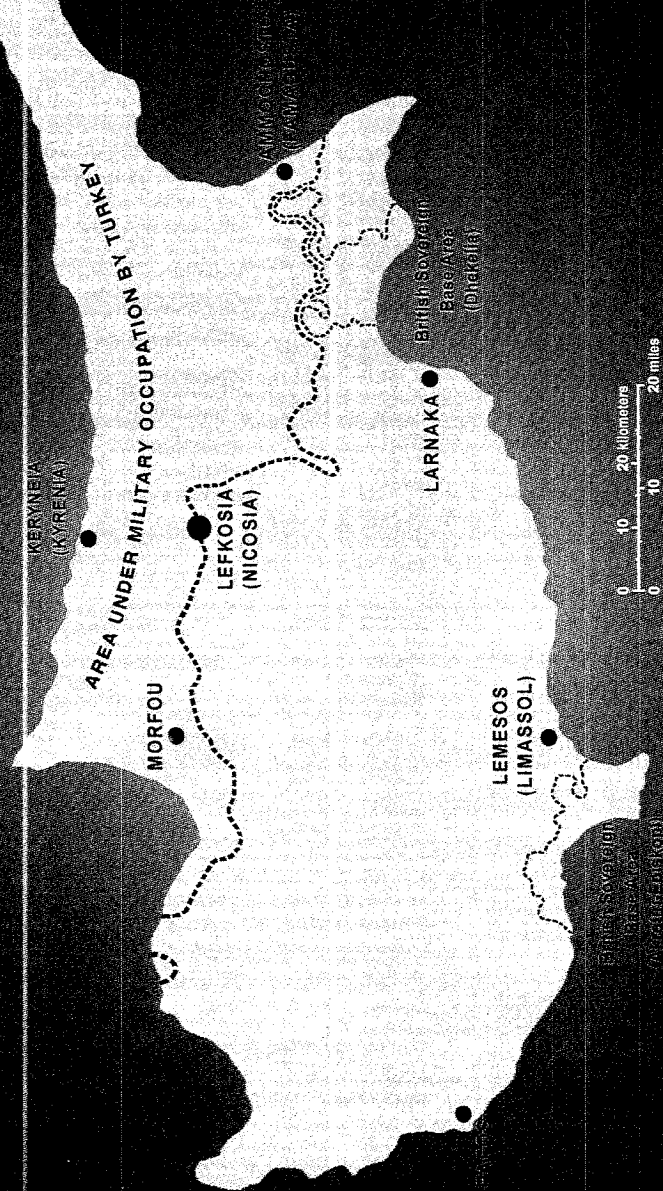


Partition of Cyprus as suggested in 1957 by Turkish Cypriot leader, Dr Fazil Kuchuk, in his pamphlet "The Cyprus Question: A Permanent Solution", along the line shown on the map. The proposed "Turkish part" is the shaded area in the north of the island.



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

# KYPROS (CYPRUS)



Map showing the 1974 UN ceasefire line across the Republic of Cyprus. It also shows the areas of the Republic under military occupation by Turkey since 1974.

of Greek and Turkish Cypriots have been crossing regularly the ceasefire line. In addition, thousands of Turkish Cypriots cross daily, some to work in the free areas, some to claim passports and other documents issued by the authorities of the Republic of Cyprus, and others to receive free medical care. These peaceful crossings have destroyed the myth cultivated for years by Turkish propaganda that the two communities cannot live together. But, obviously, these measures are no substitute for a comprehensive solution.

The U.S. government was eager to capitalize on the readiness of the Greek Cypriot side to participate in new negotiations on the basis of Annan-III, and on the consensus that emerged in meetings with Turkey's premier Recep Tayyip Erdogan in Washington, in January 2004. The U.S. then convinced Secretary-General Kofi Annan to call for a resumption of negotiations in New York.

On 13 February 2004 it was agreed by the parties that negotiations in good faith would commence in Nicosia for changes that fell within the parameters of Annan-III. In case of continuing deadlock, even after the involvement of Greece and Turkey in the process, Kofi Annan, exercising his discretion, would finalize a text which would then be presented in separate and simultaneous referenda to the two communities on Cyprus.

This was a significant change in the Secretary-General's mission of good offices as had been conceived since 1964. Without Security Council authorization, the Secretary-General assumed the power of arbitration as a precondition for the new round of talks. In accepting this formula, the Greek Cypriot side assumed that the Secretariat would maintain its objectivity and commitment to fundamental UN principles. They were proven wrong. By the time of the Buergenstock talks late in March 2004, the Secretariat became a partial party to the dispute by promoting most of Turkey's positions on the Cyprus problem.

The change in the Secretary-General's role, coupled with extremely tight negotiating deadlines and Turkey's intransigence, contributed to the absence of serious negotiations both in Nicosia and in Buergenstock, Switzerland. In order to gain Turkey's consent, nearly all of her demands were incorporated arbitrarily in the two plans (Annan IV and V) presented by the Secretary-General. Annan-V was presented to the two sides on 31 March 2004. Turkey and the United Nations agreed to grant the EU only an observer status in the talks, while the EU made the commitment to accommodate the derogations

from European law that were included in Annan-V. The Secretary-General's plan was a comprehensive document of nearly 10,000 pages (<http://www.cyprus-un-plan.org/>). It should be noted that this complex legal document was not available in its totality on the UN website until hours before the referendum. Cypriots were called to vote on the document on 24 April 2004, only days before the accession of the Republic of Cyprus to the EU on 1 May.

### The 24 April 2004 Referenda - The People's Decision

Following a spirited public debate, the Greek Cypriot voters, by a vote of 75,8%, overwhelmingly rejected Annan-V. In contrast, 64,9% of the Turkish Cypriot voters approved the plan. It should be noted that settlers from Turkey made up a significant percentage of the Turkish Cypriot community vote.

The Greek Cypriot "no" vote was not a vote against reunification or reconciliation. It was a rejection of a process that led to a one-sided plan perceived harmful to the legitimate rights of the Greek Cypriot community and to the survival of the state of Cyprus itself. It was a rejection of a plan that did not provide for the genuine reunification of Cyprus, its institutions, its people and its economy. This negative vote came from Greek Cypriots of all ages, political parties and gender.

The positive Turkish Cypriot vote is easy to explain:

- It was a rejection of the authoritarian policies of Rauf Denktaş
- It was motivated by the anticipated economic benefits of EU membership and of the economic support of the Greek Cypriots
- Annan-V maintained the illegal Turkish Cypriot "state"
- Nearly all settlers from Turkey would remain in the Turkish Cypriot component state
- There would be a permanent presence of troops from Turkey on Cyprus
- Turkey would have the right to intervene in Cyprus

Various legitimate reasons explain the Greek Cypriot negative vote including:

- Rigid negotiating deadlines, no real time for discussion of a most complex legal document, and threats expressed or implied by some of the interlocutors if the Greek Cypriots did not accept the UN plan

## IV. MAPS



### 25 EU Member States

*"This moment signals a momentous milestone in Cyprus's history. It is the second most important historic landmark after the proclamation of the Republic of Cyprus 44 years ago. This moment marks the successful conclusion of a long effort and the hopeful beginning of a new course and a new era for Cyprus.*

*As from this moment, the Republic of Cyprus formally becomes a Member of the European Union. It becomes a full, integral and inseparable member of the great European family.*

*Our great joy for our accession to the European Union is overshadowed by our grief because we could not celebrate this moment together with our Turkish Cypriot compatriots and our great disappointment for the absence of a solution to our national problem."*

President Tassos Papadopoulos on the Accession of Cyprus to the European Union - 1 May 2004

- by Turkish leaders on the recognition of the so-called "TRNC"
- The fact that all major concessions in the peace process came from the Greek Cypriot side
- The disregard of international law, European law, and precedent-setting decisions by regional and national courts in proposed "solutions" of the Cyprus problem.

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

## Conclusion

The people of Cyprus voted on Annan-V in a free and democratic way. The Greek Cypriots - the majority community on Cyprus - overwhelmingly rejected the seriously flawed plan because it failed to address properly a number of fundamental concerns, including security, thereby endangering the very existence of the state of Cyprus. But as President Papadopoulos pointed out "the rejection of the Annan Plan is no victory for anyone". The Greek Cypriots rejected a process and a specific plan. They did not oppose a solution to the Cyprus problem. In fact, the search for a viable and functional solution will go on within the parameters that have guided the talks until now and the new political context created by the accession of Cyprus to the EU, in order to safeguard the rights of all Cypriots, Greek Cypriots and Turkish Cypriots alike. In this manner, all Cypriots will fully enjoy the benefits and advantages of EU membership, contribute to the process of European unification, and bring about the reunification of their country after more than three decades of artificial division.

As President Papadopoulos stated on 17 October 2005: *"What we demand is very reasonable and what we aim for is self-evident: We demand and aim for the reunification of our country and our people in the framework of a bi-communal, bizonal federation; a state with one economy, a cohesive society and non-fragmented institutions. We demand and aim to safeguard our fundamental rights and basic freedoms. We demand a solution which can be workable and lasting in order to serve the interests and rights of all Cypriots and not of other countries."*

- Major derogations from the European Convention of Human Rights depriving all Cypriots of fundamental rights, while other EU nationals residing in Cyprus would enjoy all their rights under the Convention
- The internationally recognized Republic of Cyprus would be dissolved and replaced by a loose confederation of two largely autonomous states
- The functionality of the new state was questionable in view of the provisions on the executive, the legislative and the judicial branches, and the presence of enhanced minority vetoes. Non-Cypriot third parties, unaccountable to the Cypriot public, would cast deciding votes in key policy areas
- The confederal nature of the proposed constitution was reflected in the absence of a provision on the hierarchy of laws. This carried the risk of jurisdictional conflicts, which would accentuate the divisive nature of the proposed new polity
- The absence of adequate guarantees to ensure that the commitments undertaken by the parties and particularly Turkey would be carried out
- The economic cost of the proposed settlement (convergence, reconstruction, property compensation, compensation to settlers, monetary policy) would be largely borne by the Greek Cypriots. Turkey, whose military aggression divided the island, was absolved of any financial responsibility for its actions in Cyprus
- Security issues involving the gradual reduction and continued presence of Turkish troops with expanded intervention rights even after Turkey joins the EU. The "United" Cyprus was excluded from the common European defense policy and would be totally demilitarized. Turkey's proposed guarantees violated the obligation of non-intervention in the internal affairs of states and the respect of the territorial integrity of all states
- Issues of citizenship definition and the fact that nearly all settlers from Turkey would remain in Cyprus
- The property provisions of the plan violated essential rights under the European Convention and overturned important European Court precedents
- The plan expanded Britain's rights in the sovereign base areas and in the Republic's territorial waters
- The plan deleted the ratification by the Republic of Cyprus of the 1936 Montreux Treaty (Cyprus is a major maritime power). It also granted Turkey near veto rights on the continental shelf of Cyprus

- The plan violated the European Convention by denying the right of Cypriots to acquire property and live wherever they chose, as other EU nationals could, without restrictive quotas based on ethnicity and religion.

Ultimately, the plan was rejected because it was judged by the great majority of Cypriots not to be the best for the common interest of Greek Cypriots and Turkish Cypriots. "The only real beneficiary of this plan would have been Turkey," as President Papadopoulos stated after the referendum, explaining that "while all demands by Turkey were adopted in the final Plan on the last day, basic concerns of the Greek Cypriot side were disregarded. All involved in the talks were anxious to bring Turkey on board and ensure a 'yes' vote by the Turkish Cypriot community, and ignored the fact that the far bigger Greek Cypriot community also needed to be convinced to vote 'yes' on the Plan. Thus, this process failed to address the legitimate concerns, needs and interests of both sides".

### **The Myth of Turkish Cypriot "Isolation"\*\*\***

Following the failure of the Annan Plan there has been talk about 'easing', 'lifting' or 'ending' the alleged isolation of Turkish Cypriots and bridging the "economic disparity" between the two communities on the island.

The Turkish side has used this approach to divert attention from Turkey's ongoing aggression on Cyprus in view of Ankara's EU aspirations, and to upgrade politically the illegal regime in Turkish occupied Cyprus.

In order to gain international support for their actions, Turkish leaders have adopted, as their main argument, the misleading slogan of "ending the economic isolation" of Turkish Cypriots when, in fact, their goal has been all along political.

But any moves promoting the de facto recognition of the illegal secessionist entity would be in direct violation of international law and UN Security Council resolutions, especially resolutions 541 (1983) and 550 (1984). Such moves would also undermine efforts for the reunification of Cyprus, which is the declared position of the UN, the EU and the international community at large, as well as of the two Cypriot communities themselves.

The plight of the Turkish Cypriot community is in fact the direct result of Turkey's aggression on Cyprus, which keeps the country, its people, its

\*\*\* This section is based on the publication "Toward a Unified Cyprus", Press and Information Office, Republic of Cyprus, Nicosia 2006

declared admissible the application of Ms Myra Xenides-Arestis. The applicant complained of a continuing violation of her rights under article 8 of the Convention (right to respect for home), and of article 1, Protocol 1 (protection of property). Turkish military forces have deprived her of her right to property and home. The applicant also claimed that Turkey's actions constitute a violation of article 14 of the Convention (prohibition of discrimination), because she is Greek Cypriot and Greek Orthodox. Without prejudicing the merits of the case, the Court rejected the presence of "domestic remedies" in the occupied areas. It also noted that because of the rejection of the UN plan for the reunification of the island (Annan-V, 24 April 2004) by the Greek Cypriots, its property provisions could not enter into force.

In December 2006, the European Court of Human Rights awarded Mrs Xenides-Arestis 800.00 euros as pecuniary damages for being deprived of the use and enjoyment of her home and property in the Turkish occupied area of Cyprus. She was also awarded non-pecuniary damages in the amount of 50.00 euros and 35.00 euros for costs and expenses.

Currently, there are at least 33 additional property cases that have been declared admissible by the Court.

### **Seeking a Negotiated Solution, 1974-2005**

UN Security Council resolution 367 of 12 March 1975 reactivated the Secretary-General's mission of good offices. Since then, intermittent negotiations under UN auspices have taken place. They entered a more sustained phase in the fall of 2000. In addition, there have been high level meetings between successive presidents of the Republic of Cyprus and Turkish Cypriot leaders, proximity talks, proposals for confidence building measures, and various plans by UN and other foreign emissaries. All these actions have failed to resolve the Cyprus problem for a number of reasons, including:

- The failure to implement UN Security Council resolutions
- The prevalence of third-party strategic, economic and political considerations over a viable and functional solution that satisfies the concerns of the state of Cyprus and of all Cypriots
- The intransigent policies of successive governments in Turkey who claimed that the Cyprus problem was "solved" in 1974
- The political conditions in the Turkish Cypriot community and insistence

December 2003, did pay the sum of 641.000 Cyprus pounds (approximately \$1.5 million), to Titina Loizidou.

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

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

By majority votes this decision determined:

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

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

- **Admissibility Decision, Xenidis-Arestis v. Turkey, (Application No. 46347/99) European Court of Human Rights, 6 April 2005**

In a unanimous decision, a Chamber of the European Court of Human Rights

institutions and its economy forcibly divided. It is also the result of misguided policies by Turkish Cypriot leaders who have consistently promoted Turkey's interests at the expense of their own community and of Cyprus as a whole. It is certainly not the result of any action taken by the government of Cyprus, which has sovereignty over the entire territory of the Republic of Cyprus, and which abides by its obligation to defend its sovereign rights and the rule of law.

The record clearly shows that the military occupation of the northern part of Cyprus by Turkey has victimized both communities on the island, in different ways, and is, along with the Turkish Cypriot leadership that is answerable to Ankara, directly responsible for whatever sense of "isolation" Turkish Cypriots may have experienced.

For example:

- Turkey has kept the island, the two communities, its institutions and its economy separated, thereby preventing normal interaction and transactions by Turkish Cypriots within Cyprus and abroad and depriving them of essential services provided by the Government
- Turkey has, until recently, prevented Turkish Cypriots from acquiring passports, identity cards and other official documents that all Cypriot citizens are entitled to and which facilitate travel as well as other essential activities and transactions in Cyprus and internationally. These documents allow Turkish Cypriots to enjoy EU benefits such as study, work and live anywhere within the Union, and enjoy diplomatic and consular protection in third countries
- Turkey has flooded the occupied areas with more than 160.000 illegal settlers from Anatolia creating economic, social, demographic and, ultimately, political problems for the Turkish Cypriots and for Cyprus as a whole. Low-paid settlers from Turkey, who currently outnumber Turkish Cypriots by two to one, pushed Turkish Cypriots out of their own labour market causing much of their relative economic deprivation
- Turkey introduced the Turkish lira in the occupied areas in 1983, causing high inflation and other serious economic and social problems for the Turkish Cypriots. This and other similar steps designed to integrate the economy of the occupied areas with that of Turkey, subjected Turkish Cypriots to many of the disadvantages of the Turkish economy
- Turkey has controlled the economy of the occupied areas through conditional aid, direct instructions and management, creating an inefficient and corrupt system, with disastrous results for the Turkish Cypriots
- Turkey has since 1980 been behind the rejection by Turkish Cypriot leaders of confidence-building measures, including several concerning

trade, because, although resulting in benefits and ending the "isolation", such measures would not promote the international recognition of the illegal regime in occupied Cyprus

- Turkey has been behind the rejection by Turkish Cypriot leaders of substantial financial assistance from the EU for the Turkish Cypriot community and the implementation of trade regulations and other constructive proposals by the government of Cyprus that would greatly benefit Turkish Cypriots
- Turkey created the illegal situation in northern Cyprus that led to European Court of Justice decisions, which have determined restrictions on exports from the occupied areas of Cyprus; and, it is this illegal situation, which prevents the implementation of the EU *acquis communautaire* in the northern area of Cyprus
- Turkey prevents the export of Turkish Cypriot goods and services through the legal ports and airports in the government-controlled areas. The government of Cyprus has even offered special arrangements to Turkish Cypriots for this purpose at Lamaca Port, but their leadership and Ankara discourage them from availing themselves of these facilities.

In other words, it is Turkey that prevents Turkish Cypriots from realizing their full potential and enjoying the benefits and opportunities emanating from their status as citizens of Cyprus and the EU.

The government of Cyprus has been concerned about the economic situation of Turkish Cypriots long before the Annan Plan. It has demonstrated its good intentions towards their economic development and welfare through the adoption of practical and tangible policy initiatives designed to benefit the people directly.

The Turkish side, however, seems to hold out for the prospect of external "direct trade" through illegally operated ports and airports in occupied Cyprus, an idea not justified by economic considerations, but pursued as a political goal to promote the secessionist regime. In this context, "direct trade" has become a code term for an effort to legitimize an illegal situation in the territory of Cyprus, an EU member-state, where the EU has suspended the *acquis communautaire* because the area is under military occupation by Turkey.

"Direct trade" and "direct flights" through ports and airports operated by the secessionist regime in occupied Cyprus are contrary to the rule of law, in violation of Cyprus' sovereign rights, and counterproductive in the efforts to achieve a genuine reunification of Cyprus in the context of a comprehensive settlement to the Cyprus problem.

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

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

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

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

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

Turkey was found in breach of article 1, Protocol 1 of the Convention by its continuous denial to the plaintiff of access to her property and by its purported expropriation without compensation. On 28 July 1998 the Court ordered Turkey to pay damages to Ms Loizidou. Turkey's refusal to comply with the judgment resulted in resolutions by the Council of Ministers of the Council of Europe. These resolutions deplored Turkey's non-compliance, reminded Turkey of its acceptance of the Convention and of the Court's compulsory jurisdiction, and called on the Council to take appropriate steps to enforce compliance. With decisions pending on Turkey's EU application, Turkey, in

## Legal Decisions on the Cyprus Question

Legal decisions by regional and national courts in Western Europe, in the US and in the United Kingdom provide an important independent record of the consequences of Turkey's 1974 invasion and its continuing occupation of Cyprus. They also affirm the legitimacy of the Republic of Cyprus and of its government. These decisions constitute an important foundation for any future comprehensive settlement of the Cyprus problem.

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

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

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

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

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

By its decision, the Federal Circuit Court of Appeals affirmed the verdict of 3 August 1989 of the US District Court in Indianapolis. The case involved the ownership of plundered 6th century mosaics from the Church of Kanakaria in the occupied part of Cyprus. The mosaics had been removed by Turkish antiquities smugglers and sold to an American art dealer for \$1.2 million. The mosaics were returned to their legitimate owner, the Church of Cyprus. This decision set an important precedent in the US for the protection of cultural property. Even though it has ratified the 1954 and 1970 UNESCO conventions on the protection of cultural property, Turkey has done little to stop the vandalism, destruction and plunder of Greek Cypriot cultural property in areas controlled by the Turkish army.

The reintegration of Turkish Cypriots into the international community can be accomplished, legally and comprehensively, only through the effective reunification of Cyprus and not through the upgrading of the illegal regime in occupied Cyprus, which is Turkey's subordinate local administration.

There are legal and more effective ways to advance both the economic development of Turkish Cypriots and the reunification of Cyprus, for the benefit of all its citizens. A number of such proposals, including the opening and joint operation by the two communities of the Port of Famagusta under EU supervision, proposed by the government of Cyprus, have been on the table for the Turkish side to consider.

Encouraging separatist tendencies in the occupied area under the false banner of "ending the isolation of the Turkish Cypriots," or other politically motivated schemes promoted by Turkey, will do little to enhance the economic development of the Turkish Cypriot community.

To the contrary, such ideas divert attention from Turkey's continuing aggression against Cyprus that keeps the island divided and from Ankara's failure to abide by its obligations to the EU, including the opening of its ports and airports to ships and aircraft carrying the Cyprus flag. They also inhibit the political will and discourage initiatives to address the core issue at hand, which is the achievement of a comprehensive settlement to end the division of Cyprus. As such, these proposals help to solidify the illegal situation created by Turkey in northern Cyprus, victimizing Turkish Cypriots even further. They also set back the cause of reconciliation and lasting peace on the island and in the region.

## Cyprus and the European Union

The Republic of Cyprus signed an Association Agreement with the European Economic Community (EEC) on 19 December 1972. The agreement aimed at establishing, in two stages and within a 10-year period, a Customs Union agreement between Cyprus and the EEC. Because of the economic effects of the 1974 Turkish invasion, the protocol for the second stage of the Association Agreement was signed on 19 October 1987. Under its terms the Customs Union was to be completed by 2003.

On 4 July 1990 the Republic of Cyprus applied for membership in the European Communities. The European Commission issued a positive *avis* (opinion) on 30 June 1993 recognizing the importance of Cyprus' accession for the security and prosperity of the island and for the resolution of the Cyprus problem.

The European Council supported the Commission's findings and agreed on 6 March 1995 that accession negotiations with the Republic of Cyprus would commence six months after the conclusion of the EU intergovernmental conference of 1996. At the European Conference in London, on 12 March 1998, President Clerides invited the Turkish Cypriot community to join the Cypriot negotiating team as full members. The Turkish Cypriot leadership rejected the invitation. By December 2002, all chapters in the negotiations with the EU were closed and the harmonization process was completed. Cyprus was the first among the ten candidate countries to complete its accession negotiations.



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

While the UN Secretary-General's mission of good offices has provided the framework for a negotiated settlement of the Cyprus problem, the EU is now expected to assume a central role in assuring that any proposed settlement conforms to its principles and legal norms from the beginning. This is in sharp contrast to the role the EU was relegated to during the presentation of the Secretary-General's plan on Cyprus (Annan-IV and V) in 2004.

Turkey's EU accession process also provides new opportunities for addressing some of the most thorny aspects of the Cyprus problem, such as the protection of human rights, non-intervention, the sovereignty of the Republic, the functionality of government institutions, and others. Unfortunately, Turkey's unilateral declaration on the non-recognition of the Republic of Cyprus at the time of the ratification of Turkey's customs union protocol, raises serious questions about Turkey's compliance with EU norms and obligations and its intentions in the search for a viable settlement of the Cyprus problem. The EU, on 21 September 2005, responded to this unilateral declaration calling on Turkey to comply with its obligations and has reiterated that position on several occasions to no avail. The months and years ahead will provide a test not only of Turkey's intentions, but also of the EU's ability to uphold fundamental principles while pursuing further enlargement.

Turkey has systematically deprived the displaced Greek Cypriots of their right to return to their homes and properties. This has given rise to appeals to the European Court of Human Rights. The Court has issued major decisions on Turkey's violations of the European Convention (see "Legal Decisions").

In addition to the economic devastation caused by the invasion and the forcible population movement, over 4,000 persons were killed during the invasion, while 1,474 Greek Cypriots remain missing. Turkey refuses to account for their fate.

Turkey's occupation brought economic ruin to the part of the island which prior to 1974 was the richest and most developed. Turkey introduced the inflated Turkish lira as the currency of the occupied areas and brought in administrators to manage the Turkish Cypriot economy. Bad economic conditions in Turkey and Turkey's systematic colonization of the occupied areas by Anatolian settlers have forced Turkish Cypriots to emigrate to Europe and elsewhere. The settlers currently outnumber the indigenous Turkish Cypriots by about 2:1. Independent observers such as Alfons Cuco and Jaako Laakso have documented this issue for the Parliamentary Assembly of the Council of Europe in 1992 and 2003 respectively. Finally, there are also over 43,000 heavily armed troops from Turkey stationed in the occupied areas.

In violation of international law and UN resolutions, Turkey and the Turkish Cypriot leadership have systematically attempted to eradicate the Greek cultural heritage in the occupied areas. Towns and villages have been given Turkish names, while archaeological sites, churches and cemeteries have been plundered, damaged or converted to other uses (see "Legal Decisions").

In November 1983, Turkey encouraged and endorsed the unilateral declaration of independence in the occupied area by the Turkish Cypriot leadership. The so-called "Turkish Republic of Northern Cyprus" ("TRNC") has not been recognized by anyone other than Turkey which exercises virtual control over it (see "Legal Decisions"). UN Security Council resolutions 541 (1983) and 550 (1984) have condemned this unilateral action, have declared it invalid and have called on all UN member-states not to recognize this illegal entity. The EU and all other international and regional organizations have adopted the same position. For all legal and political purposes, the international community recognizes only the Republic of Cyprus created in 1960 and its government, even though the government cannot currently exercise its authority in areas under military occupation by Turkey.

- Created UNFICYP, the UN peacekeeping force on Cyprus
- Reaffirmed the sovereignty and continuing existence of the Republic of Cyprus
- Reaffirmed the continuity of the government of the Republic of Cyprus.

Despite calls by the Security Council to respect the sovereignty and territorial integrity of the Republic of Cyprus and to abstain from the threat or use of force against it, Turkey's air force bombed Cypriot villages in August 1964 and threatened to invade in 1964 and in 1967. On 26 March 1965, UN mediator Galo Plaza issued one of the most significant reports ever to be prepared on Cyprus (S/6253). The Plaza report questioned the functionality of federalism demanded by the Turkish side due to the hardship and inhumane nature inherent in population movements; was critical of disproportionate minority vetoes; and saw the protection of the rights of minorities in international instruments such as the European Convention. Turkey rejected the report and its recommendations.

The government of Cyprus took various measures to restore normalcy on the island. These steps resulted in the elimination of intercommunal violence and dramatic reduction of tensions between the two communities. It also offered economic incentives to Turkish Cypriots, forced by their leaders to move to Turkish controlled enclaves, to return to their homes. In 1968, the government initiated talks with the Turkish Cypriots under UN auspices for an amended constitution. These talks had achieved considerable progress and, according to some reports, were close to success, when they were interrupted by the tragic events of 1974.

### **The 1974 Turkish Invasion and its Consequences**

On 15 July 1974, the military junta ruling Greece carried out a coup against the democratically elected government of Cyprus. Using this criminal act as a pretext, Turkey invaded Cyprus five days later. In a two-phase invasion and despite calls by the UN Security Council, Turkey occupied 36,2% of the sovereign territory of the Republic and forcibly expelled more than 142.000 Greek Cypriots from their homes. Another 20.000 Greek Cypriots who remained in the occupied areas were also forced to abandon their homes and seek refuge in the safety of the government controlled areas. By 2005 only about 500 enclaved Greek Cypriots remained in the occupied areas, primarily in the Karpas peninsula.

### **Policy Initiatives for the Turkish Cypriots**

Following consultations with the government of the Republic, on 3 June 2003 the EU Commission submitted a package of measures intended to bring the Turkish Cypriots closer to the EU and included ways of promoting the economic development of the occupied areas. The government, for example, consented to the EU Regulation for Financial Assistance of 259 million euros to the Turkish Cypriot community. Many of these proposals have yet to be implemented as the Turkish Cypriot leadership has attempted to use these measures for political gains leading to a de facto recognition of their illegal regime.

With the Republic's accession to the EU, the government of Cyprus itself announced a series of additional measures aiming to promote reunification and reconciliation. These confidence-building measures that offer substantial tangible benefits to Turkish Cypriots are within the context of the laws of the Republic, the EU *acquis communautaire* and international law. These measures include:

- Movement of persons across the "green line", including all EU citizens and third country nationals
- Unmanning and removal of weaponry from military positions within the medieval walls of Nicosia and in the Famagusta-Dherynia area
- Refraining from certain types of military exercises along the buffer zone and within two kilometers of the ceasefire line
- Unilateral land mine removal from within the buffer zone
- Steps toward the circulation of public service vehicles owned by Turkish Cypriots
- Steps to facilitate the movement of goods and economic relations between the two communities
- Employment of Turkish Cypriots in the government controlled areas
- Issuance to Turkish Cypriots of official Republic of Cyprus documents such as passports, identity cards and birth certificates
- Protection of the Turkish Cypriot cultural heritage
- Access to free medical care at public hospitals
- Upgraded programming by the Cyprus Broadcasting Corporation to include more Turkish Cypriot programs
- Various forms of humanitarian assistance and cooperation
- Participation by Turkish Cypriots in local and EU parliamentary elections
- Exports of Turkish Cypriot goods to the EU and to third countries in accordance with the laws of the Republic and the European Union *acquis*
- Participation of Turkish Cypriots in research and in other EU programs (Leonardo, Socrates, 6th framework, etc).

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Despite obstacles by the occupation regime, especially in the implementation of EU trade regulations and financial assistance, these confidence-building measures are improving the economic situation of the Turkish Cypriots. Even though they are no substitute for a comprehensive solution of the problem, these policies and the government's overall constructive approach towards the Turkish Cypriot community, can contribute to the creation of a climate conducive to reunification and reconciliation.

### **Where Do We Go From Here?**

Even though the latest UN effort did not resolve the Cyprus problem, the referendum was not the end of the road. As President Papadopoulos said, "The result of the referendum must act as a catalyst for reunification and not as a pretext for further division". The Greek Cypriots and the government of the Republic are committed to reaching a solution that will provide a prosperous and secure future for all citizens and ensure respect for the human rights and fundamental freedoms of all Cypriots within the EU.

Many in the international community were unfamiliar with the detailed provisions of Annan-V and its implications on the future of the state of Cyprus and its citizens. It was, therefore, not surprising that they expressed disappointment with the outcome of the referendum. What was actually regrettable and disappointing, was that the Plan presented to the people did not allow both communities to endorse it. Whereas other parties simply wanted "a solution" or "a closing up" of the Cyprus problem as quickly as possible, the Greek Cypriots have always insisted on achieving a comprehensive, functional and viable solution that would stand the test of time. A solution that is viable and can withstand the test of time must be both fair and be perceived as such by the people who will have to live with it. Thus, no solution can succeed if it does not address the legitimate concerns that prevented the Greek Cypriots from approving the plan presented to them on 24 April 2004. The fact that Cyprus is a small and weak state makes it even more imperative that all Cypriots enjoy the fundamental rights that all other EU nationals enjoy under European law and the European Convention, and that there is no discrimination based on ethnicity or religion.

In May 2005 a personal envoy of the President of the Republic met with UN Under-Secretary-General for Political Affairs Sir Kieran Prendergast in New York. In several meetings they reviewed the views of the government of the Republic on both the procedure and the substance of any future talks under the good offices mission of the Secretary-General. Following these meetings, Mr Prendergast visited Cyprus, Greece and Turkey between 30 May and

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## III. HISTORICAL BACKGROUND

### **From Independence to the Invasion by Turkey, 1960-1974**

Cyprus was proclaimed an independent Republic on 16 August 1960, under agreements negotiated in Zurich and London between Greece, Turkey and the United Kingdom in the spring of 1959. These agreements, which ended 82 years of British rule following a four-year Greek Cypriot uprising and repeated appeals by Greece to the UN General Assembly on behalf of Cyprus, were in effect imposed on the Cypriots. Even though they signed these agreements, their leaders had no serious role in their drafting.

The peace and sovereignty of the Republic was soon undermined by the divisive nature and rigidity of key constitutional provisions and by foreign interference. The operation of a functional democratic government became difficult after repeated Turkish Cypriot vetoes on budget and taxation issues. Consequently, in November 1963, President Makarios proposed a number of constitutional amendments for discussion intended to improve the functioning of the Republic. The government of Turkey rejected outright the proposed amendments, and the Turkish Cypriot leadership followed suit.

On 21 December 1963, a minor incident was used by Turkish Cypriot extremists to instigate intercommunal clashes. In a pre-arranged plan, these clashes led to the withdrawal of Turkish Cypriot ministers from the cabinet, of Turkish Cypriot members of the House of Representatives, and of Turkish Cypriot civil servants from their respective functions in the government of the Republic.

Following threats by Turkey against Cyprus, the government of the Republic brought the matter to the UN Security Council early in the spring of 1964. The Security Council unanimously adopted resolutions 186 of 4 March 1964 and 187 of 13 March 1964, whose basic principles have guided international actions on Cyprus ever since. These resolutions:

- Established the UN Secretary-General's mission of good offices aiming at a peaceful solution on the basis of an agreed settlement in accordance with the UN Charter

Accordingly, in its annual Progress Report on the accession negotiations (8 November 2006) the European Commission noted that Turkey had not fulfilled its obligations towards the EU, including its legal obligation to recognize all member states of the EU, and that no progress was made to normalize relations with the Republic of Cyprus. Moreover, the report noted that Turkey continues to block the participation of Cyprus to several international organizations. The Commission also rejected Turkey's attempts to link the implementation of the Ankara Protocol, an autonomous legal obligation towards the EU, with the situation of the Turkish Cypriots.

On 29 November, the Commission submitted its relevant recommendation to the General Affairs Council, which was adopted unanimously by the EU Foreign Ministers on 11 December in Brussels. They agreed with the recommendation and sanctioned Turkey by imposing a partial freeze on its accession talks, for its non-compliance with respect to its obligations towards Cyprus. The Council decided to suspend work in eight of 35 policy areas (Chapters) into which accession negotiations are divided. The areas affected by the freeze are related to transport and trade. Noting in its conclusions, "Turkey has not fulfilled its obligation to full non-discriminatory implementation of the Additional Protocol to the Association Agreement," the Council welcomed the Commission's recommendation. It further stated: "In this context the Council agrees that the Member States within the Intergovernmental Conference will not decide on opening chapters covering policy areas relevant to Turkey's restrictions as regards the Republic of Cyprus until the Commission verifies that Turkey has fulfilled its commitments related to the Additional Protocol". The EU Foreign Ministers also agreed that negotiations on issues not affected by this freeze should not be concluded until Turkey complies with its Customs Union obligation to open its ports and airports to traffic from Cyprus. In addition, they voted to review Turkey's compliance with the obligations she has undertaken towards the EU on an annual basis until 2009.

The leaders of the 25 EU member-states (European Council) endorsed the conclusions of the General Affairs Council at their summit on 15 December in Brussels, pointing out to candidate countries for accession that they must be in a position to "fully assume the obligations of Union membership."

7 June for further consultations. The Under-Secretary, reporting to the Security Council on 22 June, indicated that it would be "prudent to proceed very carefully" and that the UN Secretary-General "intends to reflect on the mission of good offices in the period ahead". It was apparent that no common ground existed yet to enable the resumption of a new round of negotiations.

President Papadopoulos himself exchanged views with the Secretary-General in New York on 16 September 2005 concerning the preparation of a renewed effort on Cyprus by the UN. The Secretary-General also met with the Turkish Cypriot leader, Mehmet Ali Talat, on 31 October. In his report to the Security Council on 20 November 2005, the Secretary-General noted that both leaders and many countries urged him to consider holding new talks in the context of his good offices mission. He further stated that President Papadopoulos "concurred that, for the next round of talks to resume, it must be well prepared". Reiterating his belief that "only the achievement of a comprehensive settlement will bring an end to the Cyprus problem", the Secretary-General nevertheless concluded that the conditions surrounding the resumption of negotiations "necessitate further clarifications".

President Papadopoulos subsequently met with the Secretary-General in Paris, on 28 February 2006, "to review the situation in Cyprus and examine modalities for moving forward on the process leading to the reunification of the island," according to a statement issued after the meeting.

The statement also said that they reiterated their previous agreement that "the resumption of the negotiating process within the framework of the Secretary-General's Good Offices must be timely and based on careful preparation," adding that: "To that end, the Secretary-General was pleased to note that the leaders of both communities have agreed that bi-communal discussions on a series of issues, agreement on which is needed for the benefit of all Cypriots, will be undertaken at the technical level." It further expressed "their common hope that these discussions would help restore trust between the two communities, as well as prepare the way for the earliest full resumption of the negotiating process."

It also noted that they "agreed that it would be beneficial for all concerned, and would improve the atmosphere for further talks, if progress could be achieved on further disengagement of forces and demilitarization on the island, on the complete de-mining of Cyprus, and on the issue of Famagusta." Lastly, the joint statement said that: "The Secretary-General and President Papadopoulos agreed to continue their ongoing dialogue with the expressed aim at accelerating the search for a comprehensive, fair and mutually acceptable solution to the Cyprus problem."

This outcome generated a new momentum for the resumption of the peace process on Cyprus. On July 3, President Papadopoulos and Turkish Cypriot leader Talat met for the first time since 2004, on the sidelines of a meeting of the Committee on Missing Persons in the presence of the UN Secretary-General's Special Representative on Cyprus. In addition, the UN Undersecretary-General for Political Affairs, Ibrahim Gambari, visited Greece, Turkey, and Cyprus during 3-9 July. Following a joint meeting on 8 July with President Papadopoulos and Mr. Talat, the UN Undersecretary presented the following "Set of Principles" agreed to by the parties:

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

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

On 31 July, the two sides exchanged lists of issues for discussion in accordance with the 8 July agreement. Since then, top advisors to the two leaders have been holding meetings in the presence of the UN Secretary-General's Special Representative in Cyprus.

Subsequently, the UN Undersecretary-General for Political Affairs sent (on 17 November 2006) letters to President Papadopoulos and Turkish Cypriot leader Talat, concerning the introduction of practical arrangements to

promote the implementation of the 8 July Agreement. Both sides responded positively to Mr Gambari's proposal.

Meanwhile, the Finnish EU Presidency (July-December 2006) launched an initiative involving consultations with both sides, in an effort to bring the two communities closer to an agreement and to avert a crisis between the EU and Turkey. In that context, and following the negative stance by the Turkish side, the Finnish Foreign Minister Erkki Tuomioja invited the Foreign Ministers of Cyprus and Turkey to Tampere, Finland on 27 November 2006 for negotiations aimed at achieving progress on Cyprus and preventing a crisis between the EU and Turkey with regard to Turkey's accession process. Unfortunately, it was not possible to reach an agreement. In a written statement following his meeting with his Finnish counterpart, Cyprus Foreign Minister Yiorgos Lillikas stated the following:

"The Cyprus Government, as is well known, has responded positively to the Finnish initiative, and has made many efforts so that there would be a positive outcome. Such an outcome would have allowed the opening of the Famagusta port for the purposes of direct trade under the supervision of the European Commission. It would have also provided for the handing over of the city of Varosha to the United Nations with the withdrawal of the Turkish occupation troops from the city, and the safeguarding of the return of the lawful inhabitants of the city to their homes and properties. Unfortunately, despite our good will and the well-intentioned efforts of the Finnish Presidency, it was not possible to reach an agreement, because the achievement of any agreement presupposes good will on the part of all parties involved."

With the support of the Republic of Cyprus, the European Council, on 17 December 2004, had decided to invite Turkey to open accession talks with the EU on 3 October 2005. On 29 July 2005 Turkey signed, as required, the Customs Union Protocol with all ten new EU members. However, Turkey declared that its signature does not imply the recognition of the Republic of Cyprus, nor does it imply any change in its relations with the illegal regime in Turkish occupied Cyprus, the so-called "TRNC". Further, Turkey still refuses access to its ports, airports and air corridors to aircraft and ships from the Republic of Cyprus. This awkward and anomalous situation, where an EU candidate state refuses to recognize one of the EU members who will be voting on Turkey's accession prospects, needs to be rectified. Turkey's obligations towards Cyprus have been made clear in the EU Declaration of 21 September 2005 and reiterated in the revised EU-Turkey accession partnership document of 13 December 2005. In June 2006 the EU warned Turkey that there would be serious consequences if it did not meet its contractual obligations towards the ten new members.