

The Failed Test of Legality

■ *by Rauf R. Denktaş**

The right of Turkish Cypriots “to life, liberty and the pursuit of Happiness” as stated in the US Declaration of Independence has been denied to them by several resolutions of the UN Security Council starting from March 1964. Greek Cypriot attempts to subjugate and exploit Turkish Cypriots by denying their fundamental human rights have been endorsed by the UN Security Council by refusing to put a proper, impartial diagnosis on the so-called Cyprus problem, which has been occupying the agenda of the UN since 1954 with only a short break between 1958 and 1960, when the partnership Republic of Cyprus was declared to be an independent state and accepted as a full member of the UN and its deliberate destruction by the Greek Cypriot partner in December 1963.

Since then international public opinion has been treating the Greek Cypriot partner, elected by solely Greek Cypriot voters, as “the legitimate Government of Cyprus” in contravention of the 1960 International Agreements and all norms of justice and fair play.

That this so-called Government of Cyprus had ceased to represent the Turkish Cypriot people, who had separate rights to elect their own representatives, and consequently had no right to represent Turkish Cypriots on Cyprus until a new partnership structure is agreed by the

* Founder President of Turkish Republic of Northern Cyprus. The author can be reached at rrdofis@kkte.net.

two sides. The glaring fact that the 1960 partnership, now unlawfully usurped by the Greek Cypriot partner, had become destructive of the vested rights of the Turkish Cypriot people to live in peace and dignity under the multilateral 1960 Agreements and hence the right of the Turkish Cypriot people to decide their own destiny was unquestionable but was never considered by all those who were involved in helping Cyprus to achieve peace and justice.

The principle adopted by the UN General Assembly in Resolution 1514 at the 15th meeting on 14 December 1960, just a week before the deliberate destructions of the partnership state, was not applied to Turkish Cypriots all throughout those 46 years of the Cyprus problem.

According to the above-referenced UN resolution “All peoples have the right of self determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development”, but apparently UN Security Council members feel that the “Turkish” Cypriot people, who have been accepted as one of the co-founder peoples of the Republic of Cyprus, and who are constantly described by the Secretary General as “one of the two equal peoples, whose relationship is not that of minority and majority” have no such right!

What Then is This Cyprus Problem?

A short historical survey shows that the island of Cyprus was under Ottoman Rule from 1571 to 1878 until when the British were given the lease of the island in return for military aid against Russia. When the Ottomans entered the First World War on the side of the Axis in 1914, Britain unilaterally annexed the island. All Turkish inhabitants became alien enemies overnight. All leaders were taken into custody, thus losing their position of superiority in all fields of life while Britain offered the island to Greece in order to entice her to join the Allies in the ongoing war. Greece rejected the offer although she did enter the war towards the end. The young Turkish Government, under the guidance of Kemal Atatürk, settled the disputes arising out of the war at the Treaty of Lausanne in 1923 and Cyprus was ceded to Great Britain. Thus Turkey and Greece had come to a very sensitive balance of power between them.

Until 1954, which is when Greece took “the Cyprus problem” to the UN General Assembly, seeking “union of the island with Greece through the right of self-determination of the people of Cyprus”, Turkey had no Cyprus problem, but this attempt by Greece, if successful, would make nonsense of the Treaty of Lausanne. Cyprus, only 60 miles from the southern shores of Turkey, was very important for Turkey’s security; furthermore, for historical and strategic reasons Turkey could not afford to have a take over of the island by Greece. As one of the

ex-presidents of Turkey, Mr. Korutürk put it: “if Turkey abandons her rights over Cyprus, then Turkey will not be a country open to the seas.”

The Greek request to unite the island with Greece was turned down by the UN. Within a few months, on April 1, 1955, the Greek Cypriot terrorist organization EOKA became active. “*Enosis* (union with Greece) and only *Enosis*” became the cry and this lasted until the end of 1958 when Greece realized that Turkey was serious in her stand to keep the Treaty of Lausanne intact; otherwise Cyprus should revert to Turkey for historical, geographical, and geopolitical reasons and for the protection of Turkish Cypriots who were hit very hard by EOKA and had no chance of survival under Greek domination. The unfortunate fate of the Turkish population on the island of Crete was a constant reminder to Turkish Cypriots “of the things to come” if the island was ceded to Greece. Makarios was on record that he was applying the model of Cretan struggle in which no Turk was left on the island of Crete.

The result of consultations between Turkish and Greek Foreign Ministers was the Zurich Agreement of 1959 followed by the London Agreement which the two Cypriot sides also attended for the signature ceremony. Under these agreements, it was decided to set up a partnership state by the two sides by (1) outlawing the cause of the conflict, namely *Enosis* and its Turkish antidote, partition, and (2) by preventing domination of one people by the other. Separate elections, vested veto rights in order to prevent discrimination by one towards the other; separate communal governments; and the effective participation of Turkish Cypriots in the administration of the island were the fundamental elements of this agreement. According to international law experts, this set-up, guaranteed by Turkey, Greece and Great Britain, was a functional federation.

But it was doomed to failure from the beginning because Archbishop Makarios had declared that this independence should be used as a spring-board for *Enosis*. Accordingly, Greek youths were secretly armed and trained by the time Makarios put forward his “13 point plan” in 1963 for amending the constitution, well knowing that the Turkish side could not accept such an offer as it would take away most of their vested rights of equality and partnership. We rejected the plan and the well prepared Akritas Plan was activated on 21 December 1963, Makarios offering “double Christmas” to his people in expectation of the collapse of Turkish Cypriot resistance within a few days.

We are now in the 46th year of that resistance and talks for a peaceful settlement, which had begun in 1968, continue on and off to this day between the two sides, one of which (the Greek Cypriot side) is still regarded as the legitimate Government of Cyprus, while the Turk-

ish Cypriot partner of the 1960 partnership Republic is regarded as a secessionist “break-away state.” It is this unequal treatment of the two legally and politically equal parties which has prevented a fair settlement so far but those responsible for this unfair, unjust treatment of the Turkish Cypriots, namely the USA, Guarantor Great Britain and now the EU countries, have left no reason for the Greek Cypriot side to settle the problem, which was created in order to take over the rule in Cyprus. No motivation now exists for the Greek Cypriot side to agree to settle the problem on the basis of an equal partnership as they prefer the “Government of Cyprus” title to any formula which would recognize the political equality of the Turkish Cypriots.

It will be a waste of time to go into a detailed account of “the talks” which started in 1968 and continued until 1974 on the basis of local autonomy for both communities under the umbrella of the 1960 partnership set up. Makarios, although advised by Greece and his own negotiator Mr. Glafcos Clerides to accept this deal, refused to do so on the ground that Turkish Cypriot side will still retain the status of co-founder partner as political equal and the real aim of the onslaught against Turkish Cypriots, namely the removal of the Guarantee Agreement, could not be achieved.

All proposals of the UN Secretary General from 1974 onwards have been rejected by the Greek Cypriot leadership on similar grounds. For them, the retention of the title of “the Government of Cyprus” is preferable to any settlement which will make Turkish Cypriot people an active, equal member of such a government and will entail the continuation of the guarantee system of 1960 which gives Turkey the right of intervention in case the Turkish Cypriot partner is endangered or a move is made in the direction of *Enosis*.

Today, in the 46th year of “the problem,” Greek Cypriot leader Christofias, who carries the false title of “the president of Cyprus”, states clearly that he is following the footsteps of Archbishop Makarios and that he takes his inspiration from EOKA fighters who also show him the way to go! The Greek Cypriot side has eliminated the 1963-1974 years from their memories and history books. For them, history begins with 1974 when Turkey intervened under the 1960 Agreements and put an end to the ongoing attempt to annihilate the Turkish Cypriot people on the way to achieving *Enosis*.

Today 60% of the people in the South and 77% of the people in the North, a majority of the Greek and Turkish Cypriots, who remember the bloodshed of the 1963-1974 years, prefer a two-state settlement to re-unification under a bi-zonal, bi-communal federal system which is the subject of the current talks as they were in the talks in 1977-79 until the 2004 Annan Plan, all of which had been rejected by the Greek

Cypriot side because of their preference for the title of “the legitimate Government of Cyprus, now an EU member” although neither that o-called Government’s sovereignty nor the *acquis* of EU covers the lands of the Turkish Republic of North Cyprus.

Impartial people who know the history of Cyprus and the Greek Cypriot policy of converting the island into a Graceland as from the 1800s do subscribe to the theory that a two-state solution is the answer to this problem. The North Cyprus parliamentary group in November 1987 issued a paper in the British parliament, part of which reads:

In principle there is nothing inherently wrong in bizonality as an answer to the problem of how two separate and antipathetic peoples should co-exist when they share a common homeland. Ideally it is no doubt better if they can manage to tolerate one another and live integrated together. But sometimes that is not possible. Peoples cannot be forced into tolerant co-habitation at close quarters with one another.

The real objection to bizonality is not in principle but in practice. If history has left intermingled two peoples who find themselves incapable of living together, their physical separation may be the only answer, short of having one dominate, and perhaps in time squeeze out, the other. But how to bring about their separation if they cannot do it by mutual consent? Then the cost in terms of human suffering has to be set against – and may well outweigh – whatever advantages are foreseen in separating them.

Once however separation has taken place, albeit at the cost of injustice and suffering, the nature of the argument changes. For better or worse the separation has happened and the question then is whether it can or should be reversed. The objection of practicability no longer applies against separation and may indeed now lie against trying to reimpose integration. The best course may then be to accept the fait accompli of separation and to concentrate on trying to ensure that the form it takes is as fair as possible to both sides. That may become the only practicable course as time goes by.

And in July 1991 the following motion was tabled in the British parliament

A: *“This House recalls that when independence was granted to Cyprus in 1960, sovereignty was transferred to the Turkish Cypriots and Greek Cypriots jointly as political equals; recalls that the 1960 Constitution broke down in 1963 and is now defunct; notes that the U.N. Secretary General has stated that the relationship between the two communities in Cyprus is not one of majority and minority but one of equals; further notes that UN Security Council Resolution 649 calls upon the two peoples of Cyprus to co-operate on an equal footing; believes that the Greek Cypriot side’s reluctance to recognize the equal*

political status of the Turkish Cypriots side is obstructing the way to a federal solution since federations can be formed only between political equals; and therefore calls upon Her Majesty's Government to treat the two peoples of Cyprus and their respective leaders on a basis of complete equality without any further delay."

And now, in 2009, Lord Maginnis on 03 December made this powerful statement in the House of Lords:

In the short time still available to me, I turn to what I consider to be the greatest and ever enlarging blot on the character of our nation and an area studiously and consistently avoided by this Government; that is, the Government's persistent obduracy in respect of our obligations, as a guarantor power, to the island of Cyprus, our acquiescence in the 45-year denial of human rights to the Turkish Cypriot community and our mendacity in respect of our fellow guarantor and long-time ally, Turkey.

I will pose a number of questions that I hope the Minister will be more courageous in answering than has been the case in response to my Written Questions.

Is J. D. Bowers, the international authority and respected American professor of genocide studies at Northern Illinois University, correct when he openly confirms that Greek Cypriots and EOKA-B, under the leadership of Nikos Sampson, were guilty of the genocide of Turkish Cypriots within the 1963 United Nations definition of "genocide"? Did the Akritas and Ifestos 1974 plans not spell out the means and methodology for that genocide? Was Turkey justified in its intervention in 1974 that brought an end to the killings, when we had turned our backs on our treaty obligation? Have the Greek Cypriots rejected every potential settlement for the past 35 years? Did the Blair promises of 2004 to Turkish Cypriots, following their acceptance of the Annan Plan, run totally and completely into the sand? Unless the Government and the EU face up to the truth of these questions no progress will be made and we will have to face up to a two-nation island; perhaps that is inevitable.

Finally, did not the Defence and Foreign Affairs Ministers snub those 371 of our troops who died during the Cyprus emergency of 1955-59, their families and comrades, by failing to attend the unveiling of the memorial to them-more than 300 of them travelled to Cyprus for the occasion-on Armistice Day this year? I acknowledge and appreciate that the high commissioner attended, but it was unforgivable that no Minister attended this unique occasion – and we all know why.

If the answers to my questions are in the affirmative –and they must be- will the Minister at least tell us why Prime Minister Brown even considered signing a Memorandum of Understanding with Greek-

Cypriot President Christofias on 5 June 2008, in the midst of the Cyprus talks process? It was a memorandum that further fuelled and underpinned the aggression of the Greek Cypriots towards the Turkish Cypriots.

The Minister may not like it, but she will know that every word I have uttered is true. Otherwise, let her say so now. In the final analysis, I have to ask; is there any honour left in my country or are there any values left worth defending? Which is more important to this Government – the next election or the next soldier who dies in the belief that this nation is worthy of his sacrifice?

These are the bare truths of the so-called Cyprus problem! Greece and Greek Cypriots have been trying to take over the island in complete disregard of the fact that Turkey and Turkish Cypriots have a stronger say in this matter not only because of the proximity of the island to Turkey, but also because historically and geopolitically the island is part of the Anatolian mainland. The protection of the Turkish Cypriots, as proved by the events of 1955-58 and 1963-1974, is an absolute must for the mainland Turks! The attempt to settle this self-created settlement in complete disregard of the vested legal and political rights of Turkish Cypriots as well as of Turkey has failed so far. It is high time, as the majority on both sides want, to start from the existing realities (two sovereign equal people with the right of self-determination; two states; and continuation of the guarantee system until Turkey also enters the EU) by putting bridges of cooperation between the two sides, by encouraging mutual trade etc. rather than forcing upon them a new agreement which will again collapse within a few years and do more damage to the peace in the area.

Prof. Metin Tamkoc, in his book “The Turkish Cypriot State” on page 31, writes.

If a State is made up of different national groups, each with separate identity, it is exceedingly difficult to keep such a heterogeneous entity intact unless each national group is allowed to participate equally in the political process. Demand for national self-determination may involve equal participation in the political process or secession. A prolonged equal participation in the political system by various national groups may bring about a feeling of togetherness, common aspirations, and, ultimately, a degree of homogeneity. In such a case, the State serves as a melting-pot of different people and brings about a new national entity. If this does not happen each national group of multinational States must be granted the right to secede, and if this demand is not granted, the multinational States becomes an illegal State.

A multi-national partnership state has been destroyed by the Greek Cypriot partner. The problem is that Greek Cypriot partner has no right

to take over the island. Turkish Cypriot partner has managed to stand up and defend its rights from 1963 to 1983, hoping to re-establish, on a better basis, a new partnership. This has not happened because of the treatment of the Greek Cypriot partner as the fully-fledged legitimate Government of Cyprus. That this Government has no right to extend its rule beyond argued boundaries has to be accepted by all concerned, because Greek Cypriots, in the long history of Cyprus, never had the right to rule Cyprus as its sole ruler and certainly they never had the right to rule Turkish Cypriots. Hence two nation-states living side by side, under agreed terms with possibility of better united action under the EU when Turkey also becomes a member, is surely, more reasonable and advisable than putting, what Greek Cypriots see as a useless minority in an unwanted partnership, to interfere with in the administration of the majority? Can peace survive on the foundation of illegality.