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**THE TURKISH REPUBLIC OF NORTHERN CYPRUS
IN PERSPECTIVE**

by

Zaim M. Nejatigil, LL.B.

Barrister-at-Law,

Attorney-General of the Turkish Republic of Northern Cyprus.

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 and "Akritas Plan",¹¹ pro-
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 wayer's View, 1982, pp.10-11.

sh, Rustem and George Allen

The intercommunal hostilities resulted in the break-down of the
 Constitution. As a result of the hostilities hundreds of Turkish Cypriots
 were killed or wounded, 103 Turkish villages were completely or partially
 destroyed and 25,000 Turkish Cypriots were made refugees in their own
 country.¹² Turkish Cypriots moved to safer areas and were re-located in
 Turkish Cypriot controlled enclaves.

With the outbreak of hostilities in December 1963, cooperation between
 the two communities, which was necessary for the running of the affairs
 of the Republic, came to an end. Thus the Turkish Cypriot Vice-President
 and members, Turkish members of the House of Representatives and
 Turkish public servants found it impossible to attend to their duties on the
 island. The Greek Cypriot government stated that it no longer recog-
 nized Dr. Simitis, the first Vice-President of the Republic, in his capacity as
 and that constitutional provisions for the promulgation of laws by the
 President and Vice-President conjointly were no longer applicable. The
 views of the Turkish Cypriot members of the House of Representatives
 conveyed to that House, conveyed by UNFICYP (United Nations Force in
 Cyprus), was frustrated by such conditions put forward by the Greek
 Vice-President of the House, that made the realization of this impossible.
 The result to the House entailed acceptance of statutory changes to the
 Constitution and the abrogation of article 78 thereof which required
 a simple majority of the Turkish members of the House for the
 amendment of certain laws. It was also stated that the Turkish Cypriot
 members lost their legal standing in the House.¹⁵

The 1964-1974 decade was the most painful period for the Turkish
 Cypriots who had to bear many tribulations in their own enclaves whereas
 the Greek Cypriots became masters in the political, economic and military
 field. Consequently, the *New York Herald Tribune* reported on 16 September

¹¹ These events are verified by reports of the U.N. Secretary-General to the
 Security Council about the operation of the U.N. Force in Cyprus
 (UNFICYP). See e.g. Report S/595 of 10 September 1964.

¹² U.N. Secretary-General's Report S/6569 of 29 July 1965, paras. 7-11.

1964, "degrading sub-human standards of life" in Cyprus for the Turks,¹⁶ a fact even more forcefully corroborated by the United Nations Secretary-General in his report to the Security Council dated 10 September 1964. He said that the economic restriction being imposed upon the Turkish community in Cyprus was in some instances so severe as to amount to a "veritable siege".¹⁷

During this period Greece was responsible for a series of major transgressions of the Treaty of Guarantee. The Centre Union government of Mr. George Papandreou sent 20,000 Greek troops clandestinely to Cyprus in 1964¹⁸, thereby paving the way for the Greek Junta's *coup d'etat* against Archbishop Makarios ten years later.

Britain, one of the Guarantor Powers of the Constitution of Cyprus, remained inactive when changes were being made to the Constitution of Cyprus by the Greek Cypriot House of Representatives.

The world at that time looked on and remained impervious to the tragedy being staged on this small island, wrongly believing that what was happening was purely an internal matter and of no concern to outsiders.

II. U.N. PEACE KEEPING FORCE

On 4 March 1964 the Security Council unanimously adopted a resolution¹⁹ which in paragraph 4 recommended the creation, with the consent

16. See also, Oberling, *The Road to Bellapais: The Turkish Cypriot Exodus to Northern Cyprus*, Columbia University Press, New York, 1982.

17. S/5950, para. 222.

18. See, Andreas Papandreou, *Democracy at Gunpoint: The Greek Front*, Penguin Books, 1973, p. 134.

19. S/5575 Resolution 186(1964). The terms of the mandate were further clarified by an *aide memoire* of the Secretary-General, (1964) III *International Legal Materials*, No. 3.

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of the "Government of Cyprus,"²⁰ of a United Nations Peace Keeping Force in Cyprus (UNFICYP). Paragraph 5 of this Resolution recommended that the Force should function in the interests of preserving international peace and security, and "use its best efforts to prevent a recurrence of fighting and, as necessary, to contribute to the maintenance and restoration of law and order and a return to normal conditions. Furthermore, the Security Council recommended that the Secretary-General designate a Mediator"²¹.

The troops of UNFICYP could not take the initiative in using armed force which could be used only in self-defence. The mandate was conceived within Chapter Six of the United Nations Charter and not Chapter Seven concerning enforced action.

The U.N. Force in Cyprus became operational on 27 March 1964 with the arrival of the Canadian Contingent.

The Secretary-General's reports to the Security Council indicate that the Turkish Cypriots and the Greek Cypriots have held differing views with regard to the interpretation and implementation of UNFICYP's mandate as contained in the Security Council resolution of 4 March 1964. The Turkish Cypriots have contended that UNFICYP was to reinstate the constitutional order under the 1960 Constitution before the outbreak of hostilities, while the Greek Cypriots stated that UNFICYP should help them in subjugating the Turkish Cypriot "minority" within a unitary State.

20. It could be assumed that the reference in the Security Council Resolution of 4 March to the "Government of Cyprus", meant the constitutional or legal "Government of Cyprus" which under the 1960 Constitution was composed of both Greek and Turkish Cypriot elements. However, the Greek Cypriot wing of the "Government of Cyprus", which since December 1963 had attempted to overthrow the 1960 Constitution, pretended to be the "Government of Cyprus".

21. The Finnish diplomat, Sakari Tuomioja, was appointed as the first Mediator. He was succeeded upon his death by Dr. Galo Plaza.

The Secretary-General's report of 10 September 1964²² clarified the term "return to normal conditions" as not being the restoration of the constitutional situation, as interpreted by the Turkish Cypriots. Nor could the Force, under the terms of its mandate, act as an instrument of the Government in helping it to extend its authority by force over the Turkish Cypriots.²³ However, the then Secretary-General of the United Nations, U-Thant, is himself reported to have remarked that the solution of the Cyprus problem was first and foremost a matter for the "Cypriot Government". Such attitudes hardened the Greek Cypriot stand and failed to contribute to an agreed settlement of the Cyprus dispute.

Commenting on the Security Council's resolution of 4 March 1964, Archbishop Makarios declared:

"We have secured a resolution in the first phase of our struggle in the international field. Turkey cannot in future threaten intervention in Cyprus invoking the Treaty of Guarantee."²⁴

III. THE TURKISH ADMINISTRATION

On the Turkish side, as from 1964, one can witness a process of political evolution from administration to statehood.

On the Greek side of Cyprus, in line with the 13-point proposals of Archbishop Makarios, the Greek Cypriot House of Representatives, in the absence of the Turkish members, amended several of the fundamental articles of the 1960 Constitution by ordinary legislation. For instance, a law of 1964 provided for the vesting of the jurisdiction and functions of the two superior courts of the Republic, which had been established by the Constitution, in a single Supreme Court. A law of 1965 abolished the Greek Communal Chamber, a creation of the Constitution. Great Britain and Turkey, two of the Guarantor Powers of the Constitution, sent protest notes about the

22. S/5950.

23. S/6228, Report of 11 March 1965.

24. *Cyprus Mail*, 5 March 1964.

Electoral (Transitional Provisions) Law 1965, which abolished separate Greek and Turkish Cypriot electoral rolls in violation of article 62 of the Constitution.²⁵

The 1960 Constitution provides in Article 182 that the basic articles thereof cannot be amended in any way.

Though the Turkish Cypriots were completely disenfranchised, they showed unexpected fierceness of resistance which enabled them to hold on to certain areas over which they never lost control. The most important was the fifteen mile corridor between Nicosia and Kyrenia (excluding the harbour town, but including St. Hilarion above it), the sole beach-head at Kokkina-Rassoura (Erenkoy) near Ayios Theodoros to the west, and the separately administered Turkish quarters in all the towns, save Kyrenia.

The Turkish Cypriots living in these areas were, at first, governed by a central organisation known as the "General Committee" decisions of which had the force of law by an *ex post facto* provision in section 5 of the Basic Law of the Cyprus Turkish Administration. The General Committee issued rules and regulations under the laws which were in force. This Committee and the Provisional Cyprus Turkish Administration which followed were engaged in every aspect of the Community's life: the resettlement of over 20,000 refugees; the distribution of aid from Turkey; representations to UNFICYP to try and get essential supplies of food, water, and medicine to isolated enclaves; education; economic affairs; and the payment of £30 a month subsistence allowance to civil servants, all of whom had been deprived of their jobs because of the hostilities and changes in the Constitution.

In addition to the General Committee, the Turkish Communal Chamber continued to function after December 1963 and passed laws and took decisions within the scope of its competence under Article 87 of the 1960 Constitution. The Turkish members of the House of Representatives also used to meet separately during the same period.

²⁵ This is noted in U.N. Document S/6569 of 5 August 1965.