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PAKISTAN: A CRITICAL THRESHOLD

Afghanistan: Shadow of Yalta



Time to recognise Turkish self-determination in Cyprus

Greek recognition of Turkish self-determination in Cyprus is the only way to peace in the island. It constitutes a test for the sincerity of Greek renunciation of ambitions of conquering the whole island and its Turkish population.

The way to lasting peace in Cyprus

In 1963 Archbishop Makarios unilaterally overthrew the 1960 Constitution. The period between 1963 and the summer of 1974 was spent in violent efforts to subdue and suppress the Turkish Cypriot right to self-determination, culminating eventually in a bold bid by the then Greek military junta to achieve the 'final solution' and 'enosis' by staging a coup in Nicosia. But for the quick Turkish intervention, as a guarantor power under the Zurich and London agreements, by now Cyprus would have been purged of its Turkish population and perhaps forgotten as yet another de facto Hellenic territory.

With the two communities now confined to their zonal republics, the island has enjoyed such peace as it never had since it was 'contracted' by the Ottomans to the British.

Should Cyprus revert to status quo ante?

Dr Christian Heinze who was assistant to Prof Ernst Forsthoff, president of the Supreme Constitutional Court, 1962/63, and had seen the destruction of the de jure Republic of Cyprus from a vantage point, argues that Greek recognition of Turkish self-determination is the only way to peace on the island.

When in 1959 agreement was reached between Britain, Greece and Turkey on the future government on the island, the road opened towards the creation of an independent Republic of Cyprus. Greek claims to exclusive ownership of the island, and Turkish interest in the Greek possession just in front of its southern shores as well as Turkish responsibility to secure the political rights of more than 100,000 Turks in Cyprus were closely and dangerously confronted. The problem of reconciling or overcoming these interests was complicated by the economic, social and military superiority of 80% Greek Cypriots over 18% Turkish Cypriots. Most of them were living together with Greeks in numerous mixed villages. Their recent experience of intercommunal fighting and their need for security and political equality made Turkish Cypriots natural allies of the British in their efforts to defend the public order. No wonder, under these circumstances, that the agreements, without which there could not exist an independent but unified Republic of Cyprus, were delicate and the new State vulnerable and fragile.

The essence of these agreements reached in 1959 was, however, relatively simple and very logical. As the Greeks of Cyprus needed neither protection nor guidance in any of their affairs, whereas a position of principal political equality of the Turks of Cyprus could not be preserved without special rights and their protection, it was these rights which became the main object of the agreements of Zurich and London of 11 and 17 February 1959. The formula found comprised independence and non-alignment of the new Republic, separate majorities of Greek and Turkish representatives passing laws of decisive impact on Turkish interests, guarantees of Turkish participation in government, administration, and the judiciary, a constitutional court to watch over all these provisions and a right of intervention for Britain, Greece and Turkey to restore constitutional order in case of a disturbance.

All this is what became the law of the Cyprus constitution and the promise of the conventions signed by the representatives of Britain, Greece, Turkey and Cyprus at Nicosia on the 16 of August, 1960.

If the Greek attitude towards the Republic of Cyprus was hidden behind positive and hopeful statements made by the Greek leadership in the birth hour of the new state, it has become most evident during the years that followed. The Greek party appreciated the creation of the Republic as the end of British rule, but it did not sincerely accept the conditions laid down in the Constitution of 1960, insofar as this Constitution granted more than minority rights to the Turks of Cyprus. Unconditional Greek possession of Cyprus, including the right of Enosis (that is union with Greece), remained the true goal of the Greek party. It only outwardly accepted the agreements of Zurich, London and Nicosia as a decisive step in the direction of this goal, and reserved secretly its intention of cancelling the compromise agreement at the earliest possible opportunity. This policy cannot be described otherwise than as an act of fraud, even though it remains the prerogative of the Greek party to hold sincerely that it was justified in view of its Hellenic destiny and superiority.

The Turks, however, were content with the compromise of 1959/60, even though it did not satisfy the wish for partition entertained by some of their extreme politicians. They made successful efforts to curb the ambition of their extremists and remained resolved to defend the Constitution achieved in 1960 and, if this should prove impossible, defend their life, liberty and dignity and against any attempt of reducing them to mere Greek subjects.

The Greek ambition of ruling Cyprus independently of Turkish co-determination was pursued in three stages.

During the period of 1960 until 1963 the Greek leadership in Cyprus tried to achieve their interest by applying the Constitution in their favour in every possible respect and disrespect. Provisions most detrimental to a policy of achieving absolute Greek superiority like the ones requiring separate Greek and Turkish municipalities in the five largest towns on the island, implementation of the 70:30 ratio of Greeks and Turks employed in the public service, and the establishment of the Cyprus army simply remained unimplemented. Others like those calling for cooperation in government, legislation and administration were interpreted and applied in a way that secured utmost advantage to the Greek side.

All provisions granting rights to the Turkish partner were discredited as complicated and unworkable, in an attempt to prepare a situation in which a rule of necessity would entitle the Greek

side to set aside step by step the constitutional barriers to sole Greek sovereignty, including the right and possibility of uniting Cyprus with Greece, and, more importantly, of reducing the Turks of the island to the status of dependent guest-workers without the economic benefits accruing to them under such the laws, for example, the labour laws of central European countries.

This Greek policy of step-by-step abrogation reached a new stage, when the Supreme Constitutional Court under its president Ernst Forsthoff of Heidelberg (Federal Republic of Germany) declared null and void Greek legislation designed to unify the administration of the five largest towns. The Greek side of the government declared that it would not obey the Court's rulings. As a consequence of this 'revolutionary' act, the Court dissolved, and with the disappearance of the only constitutional entity with power to resolve inter-communal disputes, the Constitution had, unnoticed by the world and even probably by the parties most directly concerned, come to an end as early as summer 1963.

The second stage of the Greek 'revolution' in Cyprus was initiated by a so-called proposal pronounced by the Greek president of what remained as a (Greek) government of the Greeks of Cyprus in December 1963 for the abolition of most of the Turkish rights in the Constitution of 1960. It was a fiat addressed to the Turkish side to accept as a law for the whole island what had already been brought about in Greek quarters, namely Greek rule and domination without the Turkish rights granted under the Constitution of 1960. As the Turks would not obey and the Greek side would not resign, the conflict resulted in a civil war, in which many hundreds of Cypriots died and tens of thousands Greek and Turkish Cypriots became refugees. This was between December 1963 and the summer of 1974.

The 350 Turkish and 200 Greek Cypriots who died during the period December 1963 through August 1964 (vide Patrick, Political Geography and the Cyprus Conflict, 1976, p.359) as well as the nonsense of charging that 18% underprivileged Turks scattered all over the island were trying to conquer 80% Greeks make it superfluous to collect evidence for Greek authorship and planning of the aggression initiating this civil war. Whoever may be interested in such evidence will find it in publications concerning the Akritas-plan, the individual killings and fightings and, first of all, in sufficient official statements made by the Greek side before and after 1963 avowing their determination to make Cyprus Greek.

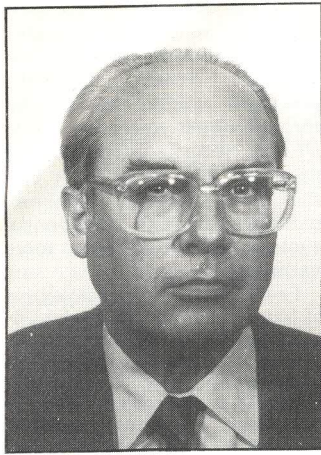
The Greek 'revolution' of Cyprus, however, was only 70% successful, which, as for a revolution, is not enough. Despite the Turkish numerical minority,

despite reinforcements of the Greek fighters by the army of Greece, despite their unfavourable dislocation, economic poverty and organizational problems the Turks of Cyprus succeeded in resisting Greek attempts to conquer and subdue them. The government of the Greeks of Cyprus was unable to extend its rule in fact to territories inhabited by a Turkish majority or to the bulk of the Turkish population of the island. Thus, as international pressure and UN-intervention had prevented a climax of fighting, the Cyprus civil war arrived at a deadlock.

But the Greek ambition of conquering Cyprus was still alive. It had found strong supporters in the military government of Brigadier Joannides which had come into power in Greece in 1973. This government was reckless enough to plan and conduct a military action in Cyprus in the summer of 1974, designed to achieve a final solution by conquering the island. This third and final aggression, however, provoked and encountered an intervention by Turkey. The Turkish army finally came to the aid of what was left of the right of self-determination granted to the Turks of Cyprus under the Constitution of 1960. What was left was not much more than independence from Greek domination. It had proven impossible to secure this basic right otherwise than by drawing a line through Cyprus by military force, granting to the Turks of Cyprus the possibility of leading a decent life of self-determination and self-respect on one side of this line.

Not the brave blue berets of Finns and Austrians, Swedes and Canadians of UNFICYP, who lacked guidance by just and equal rules of a substantial political and legal order for Cyprus, but the line drawn across the island by the Turkish troops had finally brought a peace to Cyprus. Since this line was drawn, fighting casualties were practically reduced to none. The Greeks of Cyprus, with the 'impartial' help of the European Community and the Family of Nations, rebuilt their commercial tourist empire of the south, and the Turks of Cyprus began to celebrate freedom and self-determination, modestly from an economic point of view, in northern Cyprus. The South continued to enjoy its purely Greek government established in 1963 and independent of any Turkish rights of co-determination, and the North succeeded in establishing democratic government with all attributes of legislation, administration, and judiciary confined to a territory inaccessible to the Greek 'revolutionaries'.

It is correct to name this a state of partition. But it is essential to realise that this partition was effected as early as 1963 by the Greeks of Cyprus overthrowing the Constitution of a unified Republic of Cyprus established in 1960. If one were inclined to look for the guilty party in the tragedy, one would find that the Family of



Dr Christian Heinze

Nations formed a part of them.

It was the fault of the international community to have overlooked the act of Greek aggression against the Turkish rights of co-determination in Cyprus under the Constitution of 1960, it was the fault of the international community to recognise Greek usurpers as the government 'of Cyprus' after 1963 until this very day and to blame the Turkish side for having defended the Constitution of Cyprus and for their patient enduring of Greek aggression.

The partition of Cyprus, brought about by the Greek part of the government by establishing, as of December 1963, a purely Greek State of Cyprus, produced a situation in which the Turks of the island, who refused to submerge themselves in the new Greek state, were obliged, in order to avoid anarchy, to develop their own administration. And so they did, by very small steps, in order not to precipitate anything and to avoid unnecessary offence to the idea of the Republic of Cyprus, during the two decades between 1963 and 1983. Nothing except quicker efforts and a less patient approach would appear more natural than these developments in the establishment of a Turkish Republic of Northern Cyprus in November 1983.

The Greek uproar accompanying the founding of the Turkish Republic of Northern Cyprus appeared revealing and inconsequential at the same time. Inconsequential, because since some time the Greek side had agreed to a federal solution of the Cyprus conflict. And how could one envisage a federation between an existing and a non-existing partner? Revealing, because it proved once again the Greek desire to oppress their Turkish co-islanders and Greek reservations against their equal status in a Republic of Cyprus.

In order to evaluate correctly the proclamation of the Turkish Republic of Northern Cyprus, it should be weighed against the defects of the arrangements of 1959/60.

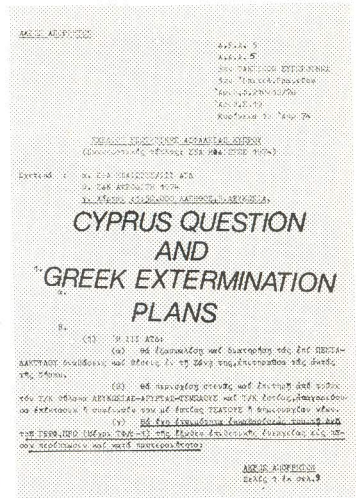
It was the Greek party which had stressed, ever since 1960, the view that the Constitution of the Republic of Cyprus had been forced upon the people of Cyprus without their consent. It was obvious that the close neighbourhood of Greek and Turkish majorities and minorities in numerous villages had enhanced the danger of friction and fighting. It was clearly difficult for anyone to provide security for a minority of 18% scattered all over the island.

Whatever human and economic disadvantages and whatever individual injustice may be involved, it seems to be indisputable that the foundation of a Turkish Republic of Northern Cyprus opens entirely new perspectives to the future of the island, namely in those respects which were recognised or which proved to be detrimental to the stability of the Republic of 1960: Turks are much safer in a separate territory administered by themselves, danger of friction is reduced because of a separation of the members of the two communities and, probably most important of all, the existing Turkish Republic of Northern Cyprus in addition to the Greek State of Cyprus opens the road to the establishment of a new Republic, based on true self-determination and an honest, equal, and workable arrangement of mutual interests.

Since some time now the Greek and Turkish communities in Cyprus seem to be in agreement on the desirability of the establishment of a Federation. But a true federation in a sociological as well as a legal sense can only come about as a result of free self-determination of two partners, who hold an equal status at least as far as this freedom and power of self-determination is concerned. A federation, as a sort of a contract, cannot be otherwise envisaged than as consent of partners who are considered able and entitled to decide and speak freely for themselves. Two parties, one of which is majorized and governed by the other, cannot validly conclude a federation. Therefore, the establishment of Turkish Republic of Northern Cyprus has provided a decisive prerequisite for what is considered by both parties as the solution of the Cyprus problem. It should be welcomed and recognised by everyone interested in such a solution.

Greek recognition of Turkish self-determination in Cyprus is the only way to peace in the island. It constitutes a test for the sincerity of Greek renunciation to ambitions of conquering the island and its Turkish population. Such sincerity will find nothing wrong with equality of strength of Greek and Turkish forces in the island and, for that matter, with any sort of viable guarantees for the security and status of both communities.

Whatever compromise, whatever common action will be achieved on the basis of equal status of both



The infamous 'Akritas Plan' — documents for the extermination of Turkish Cypriots.

communities, will have a genuine chance of workability and of durability and will constitute a reliable foundation for the construction of a Republic of Cyprus.

On the basis of such equality in law and in security, and only on such a basis, a peaceful and equal return of Greeks and Turks to live safely within the territory of the other community and under its jurisdiction can be envisaged as a real possibility and a lasting solution.

No people in the world may be safe, under certain conditions, from being forced to endure foreign government, inequality and insecurity, nor may the Turks of Cyprus. But no one should deceive oneself about the fact, that the achievement of imposition is but a short and unstable advantage for the stronger party, bearing the seed of new strife and destruction.

On the other hand: There are two sorts of people in the world, one who will place liberty above all other earthly goods, and the others. A vast majority of Greeks and Turks of Cyprus obviously both belong to the former. This is not the worst precondition for a development, at the top of which the events of 1963/64, 1967 and 1974 might appear as stages of path-finding towards a common and friendly destiny.

• **Dr Christian Heinze, 55,** is a well known German lawyer who specialises in administrative law and on some problems of constitutional law, has previously served with the OECD (Organisation for Economic Cooperation and Development), Paris and in the Federal German ministry of economy. He is also author of many publications on administrative and constitutional law and on the Cyprus conflict.

Cover: Turkish Cypriots fleeing away from Omorphita, one of the 163 Turkish villages destroyed in 1963.