

# Cyprus Issue between the Period of Independence and Turkey's Intervention in 1974

Yusuf Ibrahim Gamawa

Department of International Relations, Yildirim Beyazit University, Ankara, Turkey

\*Email of the author: [yusufgamawa@gmail.com](mailto:yusufgamawa@gmail.com)

The research is being financed by author

## Abstract

The dispute between Turkey and Greece regarding Cyprus has been a major source of concern in global politics and has drawn the attention of many nations and international organizations, particularly after Turkey's military intervention in 1974. Turkey has tried to justify its intervention, which has been disputed, with its legality in international law questioned, and until now no solution appears in sight for the Cyprus problem. This paper tries to shed some light on the legal position of Turkey's military venture in Cyprus and the options for a hopeful solution to the Cyprus issue, how Turkey has pursued the Cyprus issue since its beginning, with allies such as the United States, as well as with certain organizations including the EU, the UN and the O.I.C. The paper argues that Turkey's intervention suffered from a crisis of authority regarding its legitimacy, as only the UN Security Council could authorize an intervention, and also saw unification or official partitioning as the only options for the resolution of the dispute.

**Keywords:** Cyprus, Turkey, Greece, U.S., International law, Settlement.

## 1. Introduction

Cyprus has remained a disputed island between two communities since its independence from the British in 1960. This dispute is mainly explained in terms of constitutional disagreements, which was seen to have been negotiated by Britain, Greece, and Turkey in what came to be known as the London/Zurich Accords which recognized them as Guarantor States. It is claimed that the independence constitution did not emanate from the Cyprus people, but from these Guarantor States which have also given themselves rights of intervention in the event of a violation of the provisions of the said constitution by any of the groups in Cyprus. In 1963 violence broke out in the Island as a result of disagreements on the provisions of the constitution. This gave way to the intervention of the United Nations to restore order in the island, but even then not completely. In 1974, the republic of Turkey was seen to have intervened in the Island on the grounds that the Turkish community have been denied certain rights by the Greek community and have become victims of continued violence and persecution in the Island. Turkish claims may have been true, and the Greek Cypriots since 1963 had been blamed for the violence against the Turkish Cypriot community, just as they were blamed of usurping the constitutional rights of the Turkish Cypriots. But that notwithstanding, many have raised questions about the intervention of Turkey based on the Treaty of Guarantee. The intervention was seen to have been faulted on two bases, one from the perspective of international law, and the second from the perspective of the Treaty of Guarantee itself because the intervention led to a division in the island and is clearly in contradiction with the purpose of intervention as contained in the treaty. But under international law, it remained a subject of debate, with both sides claiming grounds, but this paper argues that the intervention has violated international and diplomatic laws, especially with regards to authority. It is accepted that the Treaty of Guarantee has given Turkey the right of intervention. But this should have been after due notification and appropriate approval of the UN Security Council as contained and in line with the provisions of Chapter VII, Article 51 of the UN Charter on the rights of individual/collective enforcement action. This despite the fact the Cyprus issue has been subjected to a lot of political maneuvering, which sometimes has led to sentimental judgments regarding the issue. Of course the Greek Cypriots, have been identified as responsible for the dispute in the island, but here it is seen as purely an internal issue, whereas the intervention of Turkey has led the dispute into taking an international dimension, that would have to be legally clarified irrespective whatever may have happened on the island. The paper is divided into sub sections, from a background to the 1963 dispute, President Johnson's letter and the perceptions of U.S. and Turkey, and the intervention of Turkey in 1974 under international law, as well as the involvement of the OIC and the EU in the dispute, which highlights the political undertones of the issue and a conclusion at the end.

Many articles in books, journals and internet resources were consulted in the course of writing this article and became more of an investigative writing. One finds out that many articles have been written on the dispute. But unfortunately, many among them or most were purely sentimental and politicized; therefore an objective study becomes somewhat difficult. As a result of this, the article tries very hard to concentrate on and look at certain legal claims, regarding the claims of both sides and the justification for the intervention by Turkey. A careful study of the resources was undertaken to bring out the facts to the forefront. Here, it has become necessary to

acknowledge the support of my teachers at the department of International Relations, Yildirim Beyazit University, in Ankara-Turkey and particularly to Prof Selcuk Colakoglu, Prof. Ramazan Gozen, Dr. Giray Sadik, Dr. Sabit, Dr. Eryada Progonati, my adviser Dr. Bayram Sinkaya and lastly to my friend Nancy Jo Marcet who helped with the editing.

## **2. Background**

Cyprus Island has a long and interesting history. The island became independent in 1960; however, it had been subjected to the influence of various rulers who left imprints on the legal systems. In 1572 the Ottoman Empire overthrew the dominance and control of the Venetians, who the Cypriots did not appreciate. The Ottomans were seen to have introduced the Millet System which seems to have recognized the independence of the Orthodox Greek Church and its authority. The Ottomans ensured the existence of the Byzantines and the Greek legal structures side by side. Following the collapse of Ottoman rule, the British were said to have exercised control over the island since 1878. The British succeeded in introducing a modern legal system, side by side with religious jurisdiction and the application of English law. Despite the changes in its legal system and the common law, the influence of Greek law sometimes also manifested in the island's legal system. The Greek law itself having undergone changes as a result of the influence of European legal system, left traces of French law also on the island, whereas the influence of Turkey can be seen in the Northern part of the island.

At independence, Britain, Greece and Turkey were recognized as the guarantors of the republic, and came up with a constitution for the island which is sometimes known as the Zurich Constitution. The Treaty that gave recognition to these three countries as guarantor powers is also known as either the London or Zurich Accord, which provided for the new constitution and the right of intervention of these powers in the affairs of the island in the event of constitutional violation. As a result of the nature of the Cyprus Constitution and its controversial provisions, the country has come to be regarded as a quasi protectorate. The idea of the constitutional provisions was not that of segregation, but one of establishing a federal state. However, after independence adherence to the constitutional provisions proved difficult for the infant nation as differences began to emerge between the two distinct groups inhabiting the Island with regards to certain rights and privileges provided by the constitution. The Greek Cypriots were seen to have usurped the rights of the Turkish Cypriots in terms of governance, in contradiction to the provisions of the partnership republic as contained in the Cyprus Constitution.

## **3. Turkey and the 1963 Cyprus Problem**

Since the creation and independence of the republic of Cyprus in 1960, the two communities (i.e. Greek and Turkish Cypriots) continued to have disagreements regarding the running of the affairs of the State. Although the independence constitution had specified the role and rights of each community, nevertheless disagreements evolved soon after the infant state had settled for governance. The lack of mutual confidence and trust between the two communities was largely seen as responsible for their inability to cooperate in running the affairs of the island. The Greek majority in the Island could not accept the constitutional provisions which granted the Turkish community the veto power in certain areas of the State such as foreign affairs, defense and a lot of other key domestic issues. The Turkish community on the other hand, remained committed to the provisions of the constitution which granted them such privileges. While such an atmosphere of mutual suspicion and distrust continued between the two communities, Makarios who became the President of the Island at independence in 1960 initiated certain constitutional changes or amendments. Generally, he proposed the creation of a unitary system of government which would be under a majority rule. The Turkish community was quick to reject these amendments which the President presented to the Parliament for consideration. These developments created a much tensed atmosphere throughout the island, which later culminated in the outbreak of violence. The Greek Cypriots took advantage of their higher population and took over control of the island and succeeded in isolating the Turks. At this time Britain, which had maintained troops on the island tried to intervene and put a stop to the violence but failed due a number of reasons. Both communities in Cyprus, as well as Greece and Turkey, blamed Britain for taking sides in the conflict, and as such it became very difficult for the British to establish order on the island. It took the effort of the United Nations peace keeping force in March 1964 to bring the violence under control, and even then both communities did not agree nor support the UN forces throughout the operation. Both communities continued to receive arms in anticipation of the outbreak of violence, as a result of hatred and bitterness that the situation created between the two communities.

There have been several explanations to the 1963 Cyprus issue, both domestic and foreign, and Makarios is not known to openly oppose enosis, but many agree that it was a position openly supported by the Greek Cypriots. It was also known that General George Grivas, enjoyed considerable influence, next only to Makarios, and he is known as the leader of EOKA, the militant group that had fought for enosis in the 1950's. General George Grivas is also known to enjoy the support and friendship of many Greek cabinet Ministers as well as the commander of the Greek Cypriot National Guard. But even at this time, the Greece cabinet found Makarios's pro communists activities embarrassing, and as a result of the support of Greek Cypriots for Makarios, the Greek

government could not go against Makarios. The Greeks support the unification with Cyprus like the Greek Cypriots, which they see as the solution to the conflict. But, Greece's government never made its position officially known and tended to handle the matter silently.

The Turkish community on the other hand was powerless and had to rely on Turkey for support. Vice President Kucuk, who is seen as the leader of the Turkish community, had been prevented from returning to the island by Makarios. The republic of Turkey stationed its army to provide protection to the Turkish community as well as relief materials. It is also known that both Britain and the Soviets, to an extent, exerted some influence on the island. The Soviets have shown open support to Makarios and were opposed to the British maintaining a base on the island. Meanwhile, a Greek-Turkish clash was anticipated as a result of the failure of the UN to resolve the crisis, and Makarios and the Greek Cypriots are not likely to accept double enosis, and likewise the Turkish Cypriots and the republic of Turkey are also not likely to accept an enosis with Greece.

#### **4. President Johnson's Letter: U.S./Turkey Perspectives**

Following the developments in Cyprus, particularly the actions of the Greek Cypriots against the Turkish community, the republic of Turkey was said to have contemplated a military operation on the island. Turkey needed to have the support of its main ally, the United States to carry out a military operation following the failure of the UN to bring an end to the crisis. Turkey was hopeful of a U.S. support and decided to communicate its intentions officially. The U.S. had earlier been informed of a possible military operation from either Turkey or Greece in the area following the UN failure. U.S President Johnson responded to Turkey's concerns for military operation in a letter dated 5<sup>th</sup> of June, 1964, in which he informed Turkish officials that "NATO allies have not had the chance to consider whether they have an obligation to protect Turkey against the Soviets if Turkey takes a step which results in Soviet intervention without the full consent and understanding of its NATO allies...I must tell you in all candor that the United States cannot agree to the use of United States supplied military equipment for a Turkish intervention in Cyprus under the present circumstances." Following such a response, Turkey cancelled its plans for intervention, and the Turkish Prime Minister expressed his displeasure over the letter of President Johnson, arguing that a warning should have been directed at Greece not Turkey. The letter was received with deep shock within the Turkish society, and was seen as a betrayal of Turkey on the part of the United States which Turkey for long had relied upon so much. The letter was seen as an insult to the dignity of Turkey, and it resulted in serious doubts about the commitment not just to the United States, but it led Turkish policy makers for the first time to question its membership of the NATO alliance.

President Johnson's criticisms about Turkey's intentions rather than Greece were as a result of certain national interests of the United States. Cyprus was seen as important, as its control gives an advantage in the Mediterranean, Middle East, and Africa, in terms of strategy and operations. The U.S. feared that if a war arose between Turkey and Greece, it could weaken NATO'S southern flank, and if the U.S backed Turkey, this could push Greece to the Soviet camp who had already requested support from the Soviets. Generally, the disagreement between the U.S. and Turkey with regards to the Cyprus problem was seen from different perspectives by both countries. While the United States as a global actor, tended to interpret issues with global concerns, Turkey on the other hand as a regional power, was more concerned with the regional dimension of the issue. Despite Turkey's concerns about the Soviets, concerns for Greece superseded all other concerns. The two countries did not appear to have unified goals regarding the conflict. The U.S. appeared to be more concerned about maintaining NATO's integrity and preventing the Soviet from exploiting opportunities to penetrate and weaken the alliance, whereas Turkey's concern was the expansion of Greece. Domestically, the United States appeared to be concerned with Greek-American citizens due to the coming elections. In Turkey also, domestic tensions had forced the Turkish government to pursue a strict policy towards Cyprus, following protests due to the mass killings on Cyprus Island.

The reactions of Turkey towards the United States with regards to Cyprus and the letter of President Johnson, was that it led Turkey's policy makers to re-consider a new foreign policy that would make Turkey much more independent of the United States. Turkey began to pursue a multilateral foreign policy in order to achieve its national interests which it considered incompatible with those of the United States. Turkey henceforth pursued a policy of neutrality in the politics of the Middle East region, unlike in the past where it was seen to have supported a U.S-Israeli alliance in the region. After the 1967 Arab-Israeli War, Turkey called for the withdrawal of Israel from Arab captured territories at the UN Assembly. At the same time Turkey maintained a very cautious approach so as not to be completely alienated by its western allies. Turkey at this time was facing a kind of isolation from its western partners. And when the Greeks resumed their attacks on the Turkish community on the island, Turkey resumed its threat of military action on the island in November 1967, which was averted by the mediation of the U.S. and the UN. The Greeks pledged to withdraw its forces from the island as requested by Turkey. The American mediation and its results which were on Turkish terms helped restore American image within the Turkish society at that time.

## 5. Turkey's Intervention in 1974 and International Law

On the 5<sup>th</sup> of July, 1974, a military coup took place in Cyprus; the coup appeared to have been organized by the military regime which then ruled Greece. Turkey had since 1963 sought for an opportunity to intervene and maintain a military presence on the island, but could not at that time due to the opposition it faced from its Western allies, and particularly from the United States, which saw to the exchange of letters between the Turkish Prime Minister Enonu and President Johnson of the United States. The coup did not succeed and was foiled, and democratic order was restored in the Island. Despite the failure of the coup, the republic of Turkey went ahead and carried out a military operation in the Island on 20<sup>th</sup> of July, 1974, using the coup as a pretext. Turkey justified its operation on the powers granted it by the London /Zurich Accords or the Treaty of Guarantee as it is otherwise known. The Treaty recognizes Turkey among the three Guarantor States including Britain and Greece and stated that "In the event of a breach of the provisions of the present treaty, Greece, Turkey and England, undertake to consult together with a view to making representations or taking necessary steps to ensure observance of those provisions. In so far as common concerted actions may prove impossible, each of the three guaranteeing powers reserves the right to take action with sole aim of re-establishing the state of affairs established by the present treaty."

The legality or otherwise of the actions taken by the republic of Turkey to intervene in the Island has remained a subject of debate among scholars for about four decades. While many see the justification of the intervention, many others see the intervention as a violation of international law. Many are also of the opinion that because the Cyprus issue has been politicized, no legal position will appear to be acceptable to any side on the matter, many point to the role or attitude of the European Union and certain European countries towards the issue as a pointer to the bias nature of the conflict. Although sometimes such claims may not be totally untrue, especially if one looks at the manner in which the EU accepted Cyprus as a member before any settlement could be reached, when it had earlier made a position that Cyprus could only be accepted after a settlement. These and related issues seemed to have politicized the issue, and made any legal position unacceptable. The Cyprus problem has overtime become more complex and a solution appears to be far in sight. Not only did some scholars argue against the justification of Turkey's intervention on the island, but the Treaty of Guarantee's legality in international law was questioned. Generally the compatibility of the treaty with international law raised some inconsistencies, especially as it concerns the various operation mechanisms of certain international organizations such as the United Nations, which were seen to have been established for collective security of member nations. International law itself is seen as a phenomena that developed overtime, and sought to intervene in the wars and massacres, just and unjust among mankind, to minimize the level of violence between communities and individual nation states. Limitation to violence is seen as the very essence of civilization. This was seen initially in customary rules from religion, especially among people who shared cultural, religious and historical roots. In the same way it is argued that the fathers of international law were seen to have contributed decisively to the adoption of rules that were designed to contain the violence of war. These rules became rooted in positive law in the practice and will of sovereign states. States opened the way for the acceptance of these laws on a universal scope, which is capable of overcoming divisions between cultures and religion.

While scholars like Grotias (1583-1645) remained attached to the doctrine of "Just Wars," he was seen to have laid the foundation of an international law that also laid the foundation of laws and customs of War which have remained relevant till today. After Grotias, Vattel (1714-1767) tried to put Grotias doctrine of Just Wars into perspective, arguing that it was difficult for a decision to be taken on a conflict involving two parties who all claim to be defending a just cause. War was seen as an imperfect way of settling disputes between two parties that recognize no common judge. These rules were gradually codified in the Geneva conventions of 1864, 1906, 1929, and 1949 as well as in the 1868 Declaration of St. Petersburg and the Hague Conventions of 1899 and 1907. Recourse to War was first restricted by the Covenant of the League of Nations, as it came to be prohibited by the Paris Pact, as well as the Charter of the United Nations. The United Nations made it clear that recourse to force is prohibited in international relations, with the exception of collective enforcement action provided in chapter VII, and the right of individual or collective self defense reserved in Article 51 which states that "Nothing in the present Charter shall impair the inherent right of individual or collective self defense if an armed attack occurs against a member of the United Nations, until the UN Security Council has taken measures necessary to maintain international peace and security. Measures taken by members in the exercise of this right of self defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to at anytime take action as it deems necessary in order to maintain or restore international peace and security."

In furtherance to the argument on the legality of the treaty of guarantee or its otherwise validity, especially when related to Article 51 of the UN Charter XVI, Article 103 under the Miscellaneous Provisions, the provision has clearly underscored the effectiveness of the treaty or its supposed superiority to international law, as it states that "In the event of a conflict between the obligations of members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall

prevail.” First and foremost we must understand that the U.N charter has been signed and accepted by all states involved in the Cyprus dispute, as such the U.N here is seen to have been accepted as a common judge between nation states. If this is so, then the states involved must be seen to abide by the rules and regulations guiding international conduct as issued by the United Nations, since the organisation itself was founded by nations states themselves, including Turkey, Greece and Britain in 1945 for collective security. Here it is worthy to note that even though the London or Zurich Accord has conferred powers on the guarantor states to intervene in the affairs of the island in the event of a violation of provisions of the establishment treaty, if international law was to be followed and observed in accordance with Article 51 and the provisions of chapter XVI, Article 103 mentioned above, Turkey should have first notified the UN Security Council of its intention to carry out a military operation in its capacity as a guarantor state in the affairs of the island based on the Treaty of Establishment or the London/Zurich Accord. As stated in the provision, reporting such intention does not “affect the authority and responsibility of the Security Council under the present Charter to at anytime take actions it deems necessary in order to maintain international peace and security.” What this means is that it is the UN Security Council that will determine if such unilateral operation is justified or not, after an assessment of the situation, and upon obtaining an appropriate authority such operations could be carried out. Under international humanitarian law and ethics and principles of intervention no single body or entity has the power to authorize any intervention apart from the UN Security Council as stated in the excerpt from the UN Charter below;

\* There is no better or more appropriate body than the United Nations Security Council to authorize military intervention for human protection purposes. The task is not to find alternatives to the Security Council as a source of authority, but to make the Security Council work better than it has.

\* Security Council authorization should in all cases be sought prior to any military intervention action being carried out. Those calling for an intervention should formally request such authorization, or have the Council raise the matter on its own initiative, or have the Secretary-General raise it under Article 99 of the UN Charter.

\* The Security Council should deal promptly with any request for authority to intervene where there are allegations of large scale loss of human life or ethnic cleansing. It should in this context seek adequate verification of facts or conditions on the ground that might support a military intervention.

\* The Permanent Five members of the Security Council should agree not to apply their veto power, in matters where their vital state interests are not involved, to obstruct the passage of resolutions authorizing military intervention for human protection purposes for which there is otherwise majority support.

\* If the Security Council rejects a proposal or fails to deal with it in a reasonable time, alternative options are:

- I. Consideration of the matter by the General Assembly in Emergency Special Session under the “Uniting for Peace” procedure; and
- II. Action within area of jurisdiction by regional or sub-regional organizations under Chapter VIII the Charter, subject to their seeking subsequent authorization from the Security Council.

\* The Security Council should take into account in all its deliberations that, if it fails to discharge its responsibility to protect in conscience-shocking situations crying out for action, concerned states may not rule out other means to meet the gravity and urgency of that situation – and that the stature and credibility of the United Nations may suffer thereby.

So it is apparent that the intervention by Turkey suffers from a crisis of legitimacy with regards to the source of authority it used for the intervention. It is not sufficient for Turkey to rely on the treaty of guarantee to intervene, without adequate notification and approval of the Security Council or the UN General Assembly as stated above. Moreover, the UN has maintained presence in Cyprus since the 1963 crisis, and therefore it cannot be accused of inaction. Since the 14th of July, 1974, the United States department for Intelligence research issued a report (Intelligence report 8047) in which it said the government of Greece had negotiated a set of agreements that were seriously flawed. The report had noted with regards to the treaty of guarantee, questioning its effectiveness in relation to common or unilateral action as exemplified by the 1974 intervention by Turkey which brought about divergent opinions about the conflict by all the three countries. The report further noted that the documents establishing the republic were negotiated without the consent and involvement of the Cypriots, and were therefore unworkable, and that any resolution of the Cyprus conflict must avoid these agreements. The Treaty

itself appears to be some how not recognised by the UN especially if we look at the Charter related to international treaties. The United Nations in the chapter below has made it mandatory that all valid treaties be registered and published by the Secretariat of the UN as seen with those below, which does not include the London/Zurich Accords that gave this guarantor rights to Turkey, Greece and England. And this clearly proves the non-recognition and invalidity of the Treaty of Guarantee upon which Turkey based its occupation of Cyprus, and that the said Treaty cannot be effective in International Law, given this circumstance. It therefore means Turkey's intervention in Cyprus, despite genuine humanitarian concerns, remains illegal according to United Nations and diplomatic Laws. Chapter XVI of the Miscellaneous Provisions, Article 102 states that:

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

and Article 103 states that:

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

And for the purpose of full disclosure and in order to provide for further reference the list of registered and Published Treatise by the United Nations Secretariat is presented below;

Bello" Convention (SECAB)  
African Charter on Human Rights  
Agreement of Lima  
Air Quality Agreement  
Amazon Treaty  
Antarctic Marine Living Resources Convention  
Antarctic Treaty  
ASEAN Agreement  
Athens Protocol  
Baghdad Pact  
Bamako Convention  
Banjul Charter on Human Rights  
Barcelona Convention  
Basel Convention  
Berne Convention  
Bogota Pact  
Bonn Convention (conservation of migratory species)  
Brazília Treaty (Treaty for Amazonian co-operation)  
Bretton Woods Agreements (IMF)  
Brussels Convention (civil liability:carriage of nuclear material by sea)  
Brussels Treaty (collective self-defense)  
BW Convention (bacteriological weapons)  
Canberra Convention (CCAMLR, Antarctic Marine Living Resources Convention)  
Cartagena Convention (Caribbean region: protection)  
CITES (endangered species)

CLC (civil liability for oil pollution damage)  
Continental Shelf Convention  
EEC Treaty  
ENMOD Convention (disarmament)  
Espoo Convention (environmental impact assessment)  
GATT (General Agreement on Tariffs and Trade)  
Geneva Conventions (with Protocols)  
Georgetown Agreement (ACP)  
Guadalajara Convention (international carriage by air )  
High Seas Convention  
High Seas Fishing Convention (living resources: conservation)  
ICCPR (civil and political rights)  
ICESC (Covenant on Economic, Social and Cultural Rights)  
Law of the Sea Convention  
Lima Convention  
Lisbon Agreement (appellations of origin: protection)  
Locarno Agreement  
Lomé Convention (ACP-EEC Convention)  
Madrid Agreement  
Malaga-Torremolinos Convention (ITU/Telecommunications)  
MARPOL (maritime pollution)  
Montevideo Treaty  
Moon Treaty  
NAOS Agreement (North Atlantic Ocean Stations)  
Nice Agreement (int. classification of goods and services)  
Nordic Convention  
Nordic Patent Institute  
Noumea Convention (South Pacific Region SPREC)  
NPT (Non-Proliferation Treaty)  
Outer Space Treaty  
Ozone Convention (Vienna Convention)  
Pact of San Jose, Costa Rica (human rights)  
Panama Convention (SELA)  
Paris Convention (industrial property: protection)  
Partial Nuclear-Test-Ban Treaty (PTBT)  
Phyto-Sanitary Convention (Africa, Sahara)  
Protocol of Port of Spain  
Puerto Montt Act  
Quadripartite Agreement  
Ramsar Convention (Wetlands Convention)  
Rarotonga Treaty (South Pacific Nuclear Free Zone)  
Rio Treaty (Inter-American Treaty)  
Rome Convention  
Rome Statute  
Rome Treaty (EEC)  
SALT (Strategic Arms Limitation Talks)  
Sea-bed Treaty (Nuclear weapons)

Single European Act  
SOLAS (Safety of Life at Sea)  
Strasbourg Agreement (int. patent classification)  
Tashkent declaration (India: Pakistan)  
Territorial Sea-Contiguous Zone Convention  
TIR Convention (Customs convention)  
Tlatelolco Treaty  
UNESCO Constitution  
Warsaw Convention (air transport)  
Warsaw Treaty  
Whaling Convention  
World Charter for Nature

It is important to note that the said Treaty of Guarantee or Zurich Accord, as it is popularly known, did not feature in the list of the various treaties, agreements and conventions registered with the United Nations Secretariat, which all ought to have been. A treaty as important as the Guarantee Treaty, if only without flaws should ordinarily have been among all other treatise. Here one can only speculate, but it is obvious that probably it may have been rejected by the UN, otherwise there is no explanation for its absence. Definately the beneficiaries may have attempted to make the treaty legal at one time or the other but probably failed to secure the registration of the treaty by the UN secretariat for obvious reasons.

## **6. Turkey, OIC and the Cyprus Issue**

The Organization of Islamic Conference at a point became involved in the Cyprus issue, as a result of the membership of the republic of Turkey. Turkey first participated in the OIC Summit in 1969 which took place at Rabbat, Morrocco. It was the first time Turkey participated since its establishment in 1923, despite several invitations from the organization. Turkey was reluctant to join the OIC due to the secular nature of its constitution, which is said is not in conformity with the ideals of the OIC, which seen as an islamic organization. Part of the reasons given for Turkey's participation at the Rabbat Summit, was part the implementation of Turkey's new foreign policy which emerged in the 1960's. Turkey at this time had to articulate a new foreign policy in order to seek support over its Cyprus problem, which it thought it could not achieve through its Western allies; especially after the United States failed to support Turkey over the issue. The republic of Turkey appeared to have been isolated by its Western allies as a result of the Cyprus issue. Turkey had two considerations for joining the OIC, first has to do with prestige in the eyes of both the West and the Islamic World. The second was to seek support of the Islamic World concerning the Cyprus problem as well as other interests. But all this while Turkey has not approved the OIC Charter despite having attended many summits of the OIC. The Charter is resolution on the part of participants to preserve Islamic spiritual, ethical, social and economic values and to promote Islamic solidarity among member States. However, the period between 1974-1980 saw a drastic change in Turkey's role in the OIC. Some of the reasons for the sudden change include the Cyprus issue and the deterioration of the Turkish economy. During this period, Turkey changed its stance on both the OIC Charter and the Palestinian issue, and now supported the Palestinian cause, which was marked by the opening of a PLO Office in Ankara. At the economic level, Turkey supported projects for the establishment of a common market among Islamic countries without any considerations for EEC regulations. The most remarkable achievement Turkey made in its relations with the OIC throughout this period was the support it sought for its Cyprus problem. During this period, the OIC recognized the right of the two Cyprus communities and their rights to be heard in international forums. The resolution was passed at the Istanbul Summit in May 1976. The Istanbul Summit further agreed that the Turkish Muslim community of Cyprus be invited to attend future meetings of the OIC as guests. However , the tenth Conference of foreign Ministers which took place in Morrocco in 1979 considered a change in the status of the Turkish Cypriot community from guests to that of observer status. The OIC called on all members to support the Turkish Cypriot community, particularly as a result of the economic embargo it suffered in the hands of the Greek Cypriots leadership. These relation between Turkey and OIC saw to the improvement of the Turkish economy especially in the 1980-1983 period. During this period the OIC gained importance in Turkey's foreign policy. Turkey utilised its relations with the OIC to seek opportunities for Turkish firms from member countries to be able to solve the problems of unemployment at home. Turkey also hoped to gain access to Arab petrodollars, as alternatives to the credits they had been unable



to obtain from Western sources with a view to stimulating economic activities in Turkey as well as development projects.

## **7. The EU and the Cyprus Dispute**

Generally, the EU is seen as an organization that has the potential of not only playing an important role in the Cyprus dispute, but is also seen as capable of bringing an end to the age long conflict on the island. It should be noted that Greece and Britain are EU members, while Turkey has been a candidate since 1987. This gives the EU all the importance and privilege it requires to intervene in the conflict and bring all contending parties to the negotiating table with a view to finding a lasting solution to the Cyprus dispute between the two Cypriot communities. It has been alleged by Turkey and the Turkish Cypriots that the EU has tended to grant recognition to the Greek Cypriots as the official representatives of the Island. The Turkish Cypriots generally contend the right of the Greek Cypriots to be the official representatives of the island under internal law and obligations. The Turkish Cypriots see the attitude of the EU as one that is not encouraging the possibility of any settlement. The EU, in the opinion of the Turks, does not seem to give recognition to the Treaty of Establishment or the London or Zurich Accord as popularly known, which is believed to have supported the intervention of Turkey on the island. One issue that has made the position of the EU controversial is that of the membership of Cyprus into the EU. The EU had earlier issued a statement saying that membership could only be considered after a settlement is reached between the two Cypriot communities. However, the EU position was seen to have changed with regards to the membership of Cyprus and a new position was seen to emerge. According to the new position, Cyprus (Greek) could be admitted into the EU irrespective of the lingering dispute between it and the Turkish Cypriots. This was a decision that was not seen to have gone down well with both the republic of Turkey and the Turkish Cypriots, who had for a long time harboured suspicions about the intentions of the EU towards the conflict in Cyprus. They generally claim that the membership of the Greek Cypriots into the EU will be a set back to the settlement process, and at the same time may potentially be an obstacle for Turkey's membership bid in the EU. This is due to the fact the EU has constantly blamed Turkey for the division in Cyprus, and the Copenhagen Summit has made it explicit that unless the Cyprus dispute and the Kurdish issues are resolved Turkey will remain outside the EU.

## **8. Settlement of the Cyprus Dispute**

Since the 1963 dispute between the two communities in Cyprus, several efforts have been made to reconcile them, until the intervention of Turkey in 1974, which appeared to have brought about a division on the island. It was viewed to have complicated issues regarding settlement of the conflict. There have been many initiatives in the past by the United Nations on enosis or double enosis. While the Greek Cypriots appeared to have favored enosis with Greece, the Turkish Cypriots and Turkey favored double enosis. As a result of the disagreements over the enosis, it was abandoned as a solution to the problem. Many initiatives followed the Turkish intervention in 1974, and the United States was seen to have been deeply involved due to global concerns on the Cyprus dispute. The U.S. appointed an envoy to Cyprus that reported directly to the president. The U.S. was concerned with the disagreements between Greece and Turkey, which are all NATO members, and did not want a situation where two NATO allies would go to war. In the 1980's, U.S. initiated what came to be known as the Ledsky Initiative, which sought to reconcile the two Cyprus communities towards unification, but did not succeed. After this, Turkish Prime Minister Ozal initiated some set of ideas, which were rejected by the Greek Cypriots on the grounds that the UN was not involved in the negotiations. But of all the settlement efforts, the most recent was that led by the UN Secretary General Kofi Anan, known as the Anan Plan which also sought to unify the two communities on equal partnership basis, a proposal that was rejected by the Greek Cypriots. And it was shortly after the Anan Plan that the Greek Cypriots joined the EU. This Further made hopes for reconciliation difficult.

Generally, a federation had been the basis of all negotiations, since 1977, the high level agreements of that time favored the establishment of a federation that will be bi-communal with regards to constitution, and by zonal in territorial aspect. However, there are so many fears regarding the success of the federal settlement in Cyprus, due mainly to lack of trust. Problems are also seen with regards to partition, in the event all settlement towards unification fail. But generally, most international organizations involved in the settlement of the Cyprus dispute tend to show recognition to the Greek Cypriots as a result of the presence of Turkish troops in the north, which they see as illegal in international law. While Turkey has continued to maintain that it had rights to maintain presence on the island. Until now, the options available are unification or official partition, which the two sides tend to suggest. There are Greek Cypriots that favor unification on bi-communal basis, and there are others also that favor an official partition. Some Turkish Cypriots also favor unification, whereas others do not. It has, however, been noted that the solution to the Cyprus problem is not dependent upon the wishes of the two Cyprus

communities, especially if the role of Turkey and the international community is taken into consideration. Speculations have emerged recently that in the event of a failure in any settlement effort, then formal partition will likely be considered as an option.

## 9. Conclusion

From this paper one can understand the Cyprus dispute and the legal status of the intervention by Turkey in 1974. However, this position may be further scrutinized to see if another position can emerge. There is absolutely no doubt that the Guarantee Treaty has given right to Turkey to intervene in its affairs, but this was not done in accordance with universally accepted laid down procedures of intervention. And as complicated as the Cyprus problem has become, there still appears a hope for a solution, but a solution that would require a lot of sacrifice from both sides. Two solutions separately can be undertaken, one can be called majority solution, which considers the importance of maintaining the unity and territorial integrity of Cyprus as a single country. For the success of the majority solution, the Republic of Turkey must withdraw from the island, and can then participate in re-negotiation of the partnership agreement and the drafting of a new constitution in consultation and consensus with the Greek Cypriots, under the supervision of the United Nations. No negotiation or peace agreements will appear to be forthcoming provided Turkish troops remain on the island. The Greek Cypriots may be willing to welcome a peace plan, but without Turkey's troops, and if security is so much a problem, a UN force could replace and provide this protection until when all is settled. For the minority solution, if both sides have reached a conclusion that the partnership republic is not feasible, then it is necessary for the two parties to come together in a friendly and harmonious manner, and partition the republic willingly, with the participation of the UN and other relevant bodies, so that the age old conflict will finally come to an end, and nations such as Turkey, that have been burdened by the problem which has caused the country so much, will have opportunity to pursue other interests that have been halted by the Cyprus issue.

## References

- Andrea Neocleus and Co, (2000), Introduction to Cyprus Law, Yorkhill Law Publishing.
- Ayla Gurel, Kudret Ozersay, (2007) Cyprus and Politics of Property, Mediterranean Politics.
- Christiam Rumpf, Comments on the Legal Status of Cyprus; Issues of Conflict and their Sources, Bamberg University.
- Cyprus 2015 Initiative, (2011), Solving the Cyprus Problem: Hopes and Fears, Interpeace and Cyprus Initiative 2015.
- Diez, Thomas, (2002) The European Union and the Cyprus Conflict: Modern Conflict, Post Modern Union, Manchester University Press, New York.
- Elas Vlantou and Diane Alicia, (1984), Oracle of Disaster.
- Emre Iseri, (2004) A Comparative Assessment of the United Nations and European Union's Role in the Resolution of the Cyprus Problem, Turkish Review of Balkan States, 2004.
- Francois Bugnion, (2002), Just Wars, Wars of Aggression and International Humanitarian Law, International Review of the Red Cross.
- Hen Francis, (2007), Cyprus: The Geo-Strategic Dimension, Contemporary Review, 2007.
- Hoffmeister F, (2006), Legal Aspects of the Cyprus Problem, Martinus Nijhoff Publishers.
- J.L Holzgrefe and Robert O' Keohane, (2003), Humanitarian Intervention; Ethical, Legal and Political Dilemmas, Cambridge.
- Joffe George, (2001), European Multilateralism and Soft Power Projection in Mediterranean Centre for International Studies, Cambridge University.
- Katsiniris, Stephen, (2004), Cyprus; Washington Seeks New Military Base, Green Left Weekly, June 9.
- Latif D, (2003), From Peace Keeping to Humanitarian Intervention, the United Nations' Approach to the Peace: The Case of Cyprus, Journal of Cyprus Studies.
- Lordos A, Kaymak E And Tocci N (2009), A People's Peace in Cyprus, Brussels; Centre for European Policy Studies.
- Mete Hatay, (2007), An Overview of the Ethno-Demography of Cyprus in the Light of Preliminary Results of the 2006 Turkish Census, Prio Cyprus Report Centre.
- Nasluh Uslu, (2004) The Cyprus Question Between 1974 and 2004 and its Relation to Turkish Foreign Policy, Brown Walker Press, U.S.A.
- Ozersay K, (2004), The Excuse of State Necessity and its Implication on Cyprus Conflict, Perceptions, Journal of International Affairs.
- Pinar Tank, (2005), Cyprus: A Note on Security Guarantees and Threat Perceptions, The Turkish Year Book of International Relations
- Pearce A, (2004), Is Settlement in Cyprus Still Possible?, Yeditepe University Press.
- Sayin Fatih Mehmet, (2008), Solution of the Cyprus Problem and Turkish Position, Journal of Qafqaz University,

No 24.

Tocin N,(2011), The EU's Role in Conflict Resolution, Routledge.

West M. John, World Politics and International Law, Michigan Law Review.

United Nations Charter, [www.treatise.un.org](http://www.treatise.un.org)

UN Security Council 649 (1990), [www.un.org/Docs/scres/1990/scres90htm](http://www.un.org/Docs/scres/1990/scres90htm).

#### **Biodata**

The author was born on February 24, 1972, in Zaria City, Kaduna State, in northern Nigeria. He attended Saad Zungur Primary School in Bauchi City, Nigeria, from 1977 – 1983, and then Federal Government colleges Okigwe and Azare in Nigeria, between 1983 - 1989. The author graduated from the University of Maiduguri in Borno State, Nigeria with a Bachelors Degree in history in 1999, and proceeded to the University of Abuja in Nigeria and obtained an M.A in history in 2008. The author is currently a doctoral student of International Relations at Yildirim Beyazit University, Ankara, Turkey.

The IISTE is a pioneer in the Open-Access hosting service and academic event management. The aim of the firm is Accelerating Global Knowledge Sharing.

More information about the firm can be found on the homepage:  
<http://www.iiste.org>

## CALL FOR JOURNAL PAPERS

There are more than 30 peer-reviewed academic journals hosted under the hosting platform.

**Prospective authors of journals can find the submission instruction on the following page:** <http://www.iiste.org/journals/> All the journals articles are available online to the readers all over the world without financial, legal, or technical barriers other than those inseparable from gaining access to the internet itself. Paper version of the journals is also available upon request of readers and authors.

## MORE RESOURCES

Book publication information: <http://www.iiste.org/book/>

## IISTE Knowledge Sharing Partners

EBSCO, Index Copernicus, Ulrich's Periodicals Directory, JournalTOCS, PKP Open Archives Harvester, Bielefeld Academic Search Engine, Elektronische Zeitschriftenbibliothek EZB, Open J-Gate, OCLC WorldCat, Universe Digital Library, NewJour, Google Scholar

