

DELEGATION OF TURKEY

2 October 2007

**HUMAN DIMENSION IMPLEMENTATION MEETING
(Warsaw, 24 September-5 October)**

Working Session 13: Rule of Law III

RIGHT OF REPLY

Thank you for giving me the floor Madame Moderator. HDIM is a meeting where we review implementation of the commitments the Participating States have undertaken. We focus on serious violations of human rights across the OSCE area. This meeting is not and should not be a platform where political conflicts are addressed. For that, there are other available platforms, be it bilateral or multilateral.

Therefore, although the speaker before me has exercised her right of reply in response to an NGO in order to make a political statement related to the Cyprus conflict about which my country has a lot to say, I will refrain myself from taking your precious time to make our case here and now. We will do so in written form and circulate it electronically.

Thank you again for giving me the floor Madame Moderator.

General remarks

- The partnership Republic of Cyprus which was established in 1960 on the political equality of Turkish and Greek Cypriot peoples in accordance with international treaties has ceased to exist as such after its constitution has been unilaterally abrogated by the Greek Cypriot side by force of arms in 1963. Therefore since 1963, there has not been a single authority that is competent to represent jointly the Turkish Cypriot and the Greek Cypriots.
- The Greek Cypriot Administration of Southern Cyprus has no legal or moral right or jurisdiction to represent or act on behalf of the whole Island. In other words, the island of Cyprus is not governed either legally or in its totality by the Greek Cypriot Administration. They cannot impose the title of the “Government of Cyprus” on the Turkish Cypriots.
- The Turkish Cypriots have, for over forty years, been deprived of an official voice in the world and the financial resources to match the Greek Cypriots in the presentation of their case to the world community.

- Nevertheless Turkey and the Turkish Cypriots still maintain their positive posture towards finding a solution to the Cyprus problem under the auspices of the good-offices mission of the UN Secretary-General, based on the long-established UN parameters and the Annan Plan. We will continue to cooperate with the UN Secretary-General and support his efforts.
- Crucial elements of any solution are:
 - Bi-zonality,
 - Political equality and equal status
 - A new partnership state structure and
 - The integrated whole approach (Comprehensive settlement)
- The Greek Cypriot Administration, however, is against the UN parameters and is trying hard to erode them. What the Greek Cypriots are simply trying to do is to move the Cyprus issue from the UN to the EU platform.
- Turkey welcomed the meeting of the two leaders under the auspices of UN on 5th September 2007. Unfortunately during the meeting Greek Cypriot Leader rejected the proposals of President Talat, to start negotiations to achieve a comprehensive settlement under the auspices of the UN until the end of 2008.
- Contrary to the endless efforts of the Turkish Cypriot side to find a solution to the Cyprus problem, the Greek Cypriot side does not want a “Settlement Plan” that might come out of a process under the UN; the rejection of the Annan Plan with a wide margin by the Greek Cypriots in 2004 and the uncooperative and uncompromising attitude of Papadopoulos during the meeting of the leaders on 5 September testify this fact. It is clear that the Papadopoulos Administration keeps its “rejection policy”.

Continuing embargoes imposed on the Turkish Cypriots for 40 years

- The continuation of the forty-year long isolation and embargoes imposed on the Turkish Cypriots is not only unjustly punishing the side that approved the settlement Plan, but at the same time reinforcing the feeling of disappointment and frustration in Northern Cyprus. It also undermines the prospects for future conciliation.
- The international community should act in conformity with the observations of the UN Secretary General. In his report of 28 May 2004 to the Security Council following the referenda on the UN Comprehensive Settlement Plan, the former UNSG H.E. Mr. Kofi Annan acknowledged the existence of an unfair isolation and underlined that efforts towards ending the restrictions did not contradict with the UNSC resolutions 541 and 550.
- He said: *“this (Turkish Cypriot) vote has undone whatever rational might have existed for pressuring and isolating them.....I would hope they (members of the Security Council) can give a strong lead to all States to cooperate both bilaterally and in international bodies to eliminate unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development, deeming such a move consistent with Security Council resolutions 541 (1983) and 550 (1984)”.*

- Direct trade with and direct flights to TRNC should be started without further delay. Likewise, Turkish Cypriots should be allowed to participate in social, cultural, economic and humanitarian events without any hindrance.

Positive steps taken by the TRNC and Turkey

- Both the TRNC and Turkey have made openings towards the Greek Cypriots in the last 3-4 years. For example, they can freely travel to Turkey by obtaining entry visas at the border. Borders were opened for crossings on the Island in 2003. All religious communities can organize religious ceremonies in the holy places that are in TRNC. The property issues are tackled through a mechanism that is accepted as an effective remedy by the European Court of Human Rights. Bilateral trade between the two sides continues to develop despite the efforts of the Greek Cypriot Administration.

Question of properties

- On the question of the property, the Turkish Cypriot side established an Immovable Property Commission which has been recognized as an effective remedy by the European Court of Human Rights. There have been more than 230 applications to the Commission and around 20 cases have been solved until today. Contrary to the Turkish Cypriots, the Greek Cypriot authorities do not provide any solution to the question of the Turkish properties in the southern part of the island.

Presence of Turkish forces in the island

- The existence of the Turkish forces in the Island stems from 1960 international treaties.
- Currently there are also Greek forces stationed in the South, numbering around 7000.
- From 1963 to 1974 Greek Cypriots conducted a systematic armed campaign to massacre Turkish Cypriots, which amounted to ethnic cleansing. Turkey exercised its treaty rights to conduct a peace operation in 1974. Since then, Turkish forces have been the only factor of peace and stability in the island, which prevents the repetition of earlier bitter experiences.
- The questions related to security and guarantees are one of the core issues of the comprehensive settlement and these issues will be dealt along with the other issues within the framework of negotiations.
- Had the Annan Plan, which was rejected by the Greek Cypriot side, been approved, the Turkish forces would have been reduced to only 650 soldiers, less than the forces envisaged for the Greek forces (950).