

VAROSHA:

Between Human Rights and Realpolitik

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“No picnic over pain”: This was the slogan that peace activists used to protest the surprising announcement of Republic of Turkey President Erdoğan that he would celebrate the anniversary of the “Turkish Republic of Northern Cyprus” with a festive lunch on one of Varosha’s newly opened beaches.¹ The picnic announcement was part of the unprecedented Turkish intervention that would help Ersin Tatar, leader of the conservative nationalist National Unity Party (UBP), win north Cyprus’s 2020 “presidential” election. At the time “prime minister,” Tatar contravened the election law only a week before voters went to the polls in October by flying to Ankara for a press conference with the Turkish president to announce the ghost town’s opening. A political hostage since the island’s division in 1974, this once-famous resort town had been left to decay for more than four decades. The announcement was intended to aid Tatar, and when the new “TRNC president” made his first visit to Ankara after the election, Erdoğan would make his astonishing announcement that 15 November, the anniversary of the self-declared state, would be an appropriate time for a seaside picnic.

Since 15 August 1974, when Varosha fell into Turkish military hands, only the western part of the town has been open to settlement, housing both Turkish Cypriots and settlers from Turkey.² The eastern and seaside areas, on the other hand, had been kept under Turkish military control and closed to civilians. In an interview from the 1980s, Kenan Evren, Chief of Staff during Turkey’s 1980 coup d’état, claimed that Varosha was being occupied and held as a negotiating tool. Indeed, Turkish Cypriot negotiators put Varosha on the table eight times, but their terms were unacceptable to the Greek Cypriot side, which rejected the various offers.

¹ The TRNC was proclaimed as an independent secular republic on 15 November 1983. However, the TRNC has failed to gain international recognition from any country other than Turkey, and the UN Security Council pronounced its proclamation in 1983 invalid and called upon member-states ‘not to recognize any Cypriot state other than the Republic of Cyprus’. Since the TRNC has not achieved international recognition, neither the TRNC’s government nor its parliament are seen as legal entities internationally.

² <https://www.havadiskibris.com/marasin-74-oncesi-bugunune-soyle-bir-bakalim/>

In 1974, the population of the entirety of Famagusta city was approximately 39,000 to 40,000, with around 12,000 people living elsewhere but commuting to the city every day for work during that period. Of the city’s residents, approximately 26,000 were Greek Cypriots, and most of these lived and worked in the area known as Varosha, in the city’s east. An additional approximately 4,000 non-Cypriot residents also lived primarily in the Varosha area. The 8,500 Turkish Cypriot residents of the city, on the other hand, lived primarily in Famagusta’s walled city and neighbouring areas.³

In sum, returning the entirety of Varosha to its legal owners will mean that around 30,000 displaced persons will be able to access their properties, while the return of only the closed area of Varosha, which was recently opened, will mean that around 20,000 persons will be able to return to their homes. While the currently settled area of western Varosha was to be returned in the Annan Plan, Erdoğan and the current Turkish Cypriot leadership are not including this area in their new “opening.” The fact that this area has been inhabited for 46 years is considered the biggest impediment to its return.

WHAT IS THE TURKISH SIDE ATTEMPTING TO ACCOMPLISH?

As explained above, Turkish Cypriot negotiators have consistently viewed Varosha as a bargaining chip in the negotiations. However, in recent years this bargaining chip has begun to look more like a burden.

Over the past 46 years, there have been varying views on what should be done with the closed city in relation to negotiations, and in the Turkish Cypriot community these varied views have tended to break down along party lines. Those parties that we can consider to be on the left, starting with CTP, have until very recently viewed Varosha as part of a comprehensive set-

³ <https://www.havadiskibris.com/marasin-74-oncesi-bugunune-soyle-bir-bakalim/>

tlement and have consistently advocated the sort of “big bang” solution that falls under the principle of “nothing is agreed until everything is agreed.”⁴ In fact, some have even opposed returning Varosha, expressing fears that a return of the ghost town to the Greek Cypriot side before a negotiated settlement would reduce the desire of Varoshian Greek Cypriots for a solution. Former “president” Mustafa Akıncı viewed Varosha as more of a confidence-building measure, but he supported opening Varosha under UN control in exchange for opening Tymbou/Ercan Airport to international traffic.⁵ UBP, the main party of the political right, on the other hand, had no Varosha policy until quite recently. In general, the party has taken the position that not even an inch of ground can be given up and has instead supported the claims of the Evkaf Department regarding their historical properties in the town.⁶

The Evkaf Department’s claim is that Varosha was owned by Ottoman *vakıf* (religious foundation) but that the British administration gave it away to Greek Cypriots illegally.⁷ Recently, the Evkaf administration has even brought experts from Turkey to uncover all the historical Evkaf properties and try to win them back for the Turkish Cypriot community. Although those properties were indeed *vakıf* properties, what Evkaf failed to demonstrate was an argument for their illegal transformation into private property in the British period. The problem for their case is that almost all the transfers took place according to the laws of the period, while the Evkaf Department had received varying sums as compensation. In 2005, in order to create a legal ground for those claims, they were able to get a judgment in their favour in a Famagusta court.⁸ However, after 2019, when the Turkish Cypriot “Higher Administrative Court” ruled that priority should be given to Greek Cypriot title deeds, the Evkaf went silent.

In the 2010s, members of the Turkish Cypriot civil society who were tired of the lack of interest in the issue from political parties started a campaign to open the closed part of Varosha. Along with a number of Greek Cypriot and bicomunal organizations, they managed to bring their proposals for the return of Varosha to public attention. Of course, civil society organizations imagined an opening that the two sides would prepare and plan together. Indeed, the ghost town could have been brought to life with the cooperation of the two communities. Steps could be taken that would encourage displaced

Greek Cypriots to return to their homes, create business opportunities for Turkish Cypriots, and build the foundation for living together. Control of the area would have first been under the UN and later under the two communities. These kinds of steps would also create a dynamism that could spur the lagging negotiated settlement.

While this discussion was occupying the public agenda, the first politician to take a serious interest in the subject was People’s Party (HP) former leader Kudret Özersay. Particularly in the lead-up to the 2015 “presidential” election, Özersay began to state that Varosha should not be kept as a hostage until a settlement and that it could be opened under Turkish control. Of course, reactions were not short in coming. Those who opposed his proposal cited, as its biggest impediment, Article 5 of the UN Security Council Resolution 550, dated 11 May 1984, where it stated that the UN “considers attempts to settle any part of Varosha by people other than its inhabitants as inadmissible and calls for the transfer of that area to the administration of the United Nations.” It should be noted that Özersay’s project included a call to Varosha’s pre-1974 residents. In addition, the UNSC resolution refers to the area’s inhabitants, which also included renters. In that sense, Özersay’s project did not necessarily conflict with Resolution 550. However, the controversial issue here was not the return of property but rather under whose administration Varosha would be opened. The same Article 5 openly calls for transferring Varosha to UN control.

FROM BARGAINING CHIP TO BURDEN

Although Özersay was unsuccessful in his presidential bid, two years later he would become Foreign Minister under a coalition government and would soon put his proposals for a Varosha opening into practice, starting a series of consultations and visits to the area. However, as long as the UNSC resolutions remain in force, Özersay’s attempts to open the closed town unilaterally, without consulting with the UN or the Greek Cypriot side, never gained credibility. The unilateral nature of the project made it seem instead like a sovereignty exercise in which Özersay attempted to score a goal against Greek Cypriots.

It was in the 2020 “presidential” election campaign, when Ersin Tatar went behind his coalition partner’s back to open the town in coordination with the Turkish government, that Özersay’s claims of good intention were completely wiped away, and it became clear precisely how dangerous the project was for bicomunal relations. It was clear that Ersin Tatar saw the project only as an exercise for the economic benefit of Turkish Cypriots. For instance, in one interview he compared the project to Las Vegas:

“As soon as we remove the wire and a few hotels open on the beach, Varosha will begin to come to life and will give strength to our economy. I don’t think putting this into operation will take that long. Large capital investors are consulting with us,

4 “Talat: Maraş Güven Artırıcı Önlem Değildir!” 02.10.2008, Kıbrıs Postası: https://www.kibrispostasi.com/c35-KIBRIS_HABERLERI/n16114-TalatMaraş-Güven-Yaratıcı-onlem-Degildir; “Nami: Maraş Kapsamlı Görüşün Parçasıdır,” 2. 12. 2013: https://www.kibrispostasi.com/c35-KIBRIS_HABERLERI/n16114-TalatMaraş-Güven-Yaratıcı-onlem-Degildir

5 <https://www.havadiskibris.com/akinci-ercan-rumlara-ve-ortak-isletmelere-acilmali/>

6 <https://www.havadiskibris.com/maras-ve-kokmus-pilavi-isanlar/>

7 For a concise explanation of what is at stake, see Christos Panayiotides, “Varosha and dealing with Evkaf,” *Cyprus Mail*, 6.12.2020, https://cyprus-mail.com/2020/12/06/varosha-and-dealing-with-evkaf/?fbclid=IwAR1-fMoBMDFJctUYQIUdW40vjxmR7IND5W5hXGB_hfqpHkt8gknS59WOUK.

8 <https://www.yeniduzen.com/maras-icin-1974-tapu-kayitlari-esas-alinir-120127h.htm>

*and a number of preliminary assessments are being made. It's a reality that Varosha can finance itself. . . . It's not too big for us to handle."*⁹

Of course, amidst this speculation, it is also necessary not to forget the real reason that the project is being implemented with such speed. The Immovable Property Commission, established in the 2000s to resolve property issues locally without resort to the ECHR, has hit a financial dead end. Returning Varosha properties to their legal owners would considerably lighten the otherwise heavy financial burden of paying cash compensation for those properties. In addition, it appears that the current Turkish Cypriot government is hanging its hopes on a certain number of displaced Varosha Greek Cypriots refusing to return to their properties under Turkish control and instead selling them to Turkish Cypriot, Turkish, and foreign investors.

WHAT SHOULD BE DONE?

There seems little doubt that the horse has now left the gate and that no amount of condemnation or even sanctions will deter the Turkish and Turkish Cypriot sides from proceeding with the Varosha opening. Moreover, simple condemnation while providing no alternatives will mean that 30,000 people will continue to remain hostage to the settlement talks, whose prospects look bleak at the moment. In light of this, the international community needs to take a proactive approach in shaping the future revival of the town.

Opening Varosha has been imagined for several decades as an important confidence-building measure, and it is still possible to transform its opening into one that will create dynamism towards a solution. We know from the 2003 opening of the crossing points that single but important steps can transform the status quo and create their own dynamism, even when they fail. What sorts of steps, then, would help to create dynamism towards a solution?

FOR THE INTERNATIONAL COMMUNITY:

While the Turkish side proceeded without consulting international actors regarding Varosha, this does not mean that they are insistent on opening the area under Turkish control. All political parties in the island's north have now united around the idea that the area should be opened, although the left supports an opening under UN control. However, the idea of "UN control" has always been abstract and needs to be given substance and formulated as a concrete proposal. For instance, would UN control extend also to "Open Varosha"? What would the relations be between the UN-controlled area and the Turkish Cypriot areas to its west? What kinds of economic interactions might

be encouraged to act as an incentive for Turkish Cypriots to desire such a plan? And how would UN control be organized? Put simply, who would collect the rubbish?

It is clear that the Turkish side can be convinced to put Varosha under UN control but wants something in exchange. For decades, the Turkish side has offered Varosha in exchange for opening Ercan Airport to international traffic, and this would clearly still be desirable. In the past, this has gotten hung up on Greek Cypriot objections that it would constitute recognition by implication. However, international law makes it clear that recognition can only be given by states to other states. This suggests the possibility of opening ports in the north, potentially with stipulations about use and control. Other possibilities include:

- Opening Famagusta port, possibly under UN control, particularly as it will be the closest port to the new Open Varosha.
- Lifting embargoes on Turkish Cypriot higher education institutions, which are a main motor of the Turkish Cypriot economy. The largest such institution, Eastern Mediterranean University, is also located in Famagusta, close to Varosha. Education was part of community competences in the 1960 constitution of the Republic of Cyprus (RoC), which is why primary and secondary educational institutions have contact with their counterparts in the island's south. The only impediment to Turkish Cypriot universities is the fact that no such institutions of higher education existed in the island at the time the RoC was founded.

Any such discussion requires that a diplomatic channel be opened to deal with the various actors involved outside the parameters of a negotiated settlement.

FOR THE TURKISH SIDE:

The opening thus far was only possible with the approval and encouragement of the Turkish president. However, Erdoğan at the same time cloaked the opening in a nationalist performance in order to appease elements in Turkey's domestic politics who would potentially oppose it. As noted above, this nationalist rhetoric does not serve the presumed purpose of encouraging Greek Cypriots to return to their properties, and it should be toned down.

At the same time, while there is a rhetorical encouragement for Greek Cypriots to return, at least two other elements on the ground discourage this. The first is that while legal owners may apply to the Immovable Property Commission, owners can only take possession of those properties when the area is demilitarized. However, demilitarizing the area means bringing it under civilian control, and as noted above, the form of that control is not yet clear. Will that be Turkish Cypriot control? UN control? Some other negotiated form of control? A plan needs to be put forward, and this plan needs to take the legal owners of Varosha properties into account. The best way to move forward with developing such a plan would be to establish a committee that would also include Greek Cypriots in the planning.

⁹ "Tatar: Direkt uçuşları başarısız tüm sıkıntıları aşarız," 19 September 2019, *Kıbrıs Newspaper*.

The second issue is that the Turkish side, immediately upon opening the town, began to repair roads, install landscaping, and erect ropes around decaying buildings, giving the area the atmosphere of an open-air museum. This museumification does not serve the stated purpose of reviving the area and instead only encourages dark tourism in the resort's ruins, potentially poisoning possibilities for reconciliation.

The Turkish Cypriot side should keep in mind that the possibilities for collaboration with Greek Cypriots around Varosha are enormous, and successful cooperation will both create a positive atmosphere for potential revived negotiations and open the door also to the possibility of a step-by-step solution.

FOR THE GREEK CYPRIOT SIDE:

The unilateral opening of Varosha has caused considerable confusion in the island's south, as some of the Greek Cypriot displaced persons protest the government's unwillingness to directly address the situation. The government, on the other hand, has expressed that Varosha refugees applying to the IPC will become a potential weakness for the Greek Cypriot side in negotiations.

However, at the moment the possibility for successful negotiations that will produce a comprehensive settlement look bleak, while the Varosha situation will continue to evolve. As a result, the Greek Cypriot side needs to be prepared to negotiate on this particular subject, independent of a comprehensive settlement. Presenting constructive proposals that can ensure that the area is put under UN control will both create a safe space for refugees to return and open the possibility for territorial status of the area to be renegotiated in the future as part of a comprehensive settlement. It is not out of the question to revive the long-discussed bargain of direct trade to Turkish Cypriots in exchange for Varosha opening under Greek Cypriot control. This is a potential deal that has been on the table for decades, always dismissed by the Greek Cypriot side. However, the conditions are now different than they were in the past. Opening Tymbou/Ercan Airport and other ports in north Cyprus to direct trade would eliminate Turkey's excuses for not recognizing Greek Cypriot ports. It would, for instance, give Greek Cypriot ships access to Turkey's many maritime ports and enable direct flights between Larnaca and Istanbul. In addition, it would give Turkish Cypriots more than one viable door to the world, hence decreasing the influence of Turkish capital in the northern part of the island. The past decade has seen a boom in Turkish investment, and this could be diversified through trade agreements that would thereby decrease Turkish influence in the north.

FROM BURDEN TO BENEFIT?

As will be understood from the above, much good intention is needed to facilitate an opening of Varosha that will bring some justice to its original owners and lay the groundwork for peace. The de facto opening signals that there is now no turning back to the status quo ante. Moreover, we have seen from the past that attempts to remedy de facto situations only by legal means have often had unintended consequences. Cases taken to the ECHR laid the groundwork for the IPC and were partly responsible for the 2003 opening of the crossing points. Instead of resorting to legal or diplomatic pressure, dialogue is necessary in order to ensure a future for Varosha that takes into account both the interests of legal owners, Greek Cypriot and foreign, and the needs of Turkish Cypriots.

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