

Population and property issues in divided Cyprus*

Ayla Gürel

Since 1974 Cyprus has *de facto* been split into two zones separately administered by the island's two main communities. The northern 36 per cent of what originally constituted the territory of the Republic of Cyprus (RoC) is controlled by Turkish Cypriots (TCs), while the Greek Cypriots (GCs) rule in the southern 62 per cent. Between them lies the so-called Buffer Zone controlled by the UN Peacekeeping Force in Cyprus.

In fact GCs and TCs had been segregated and two separate administrations had existed on the island long before this clear territorial division. Following the breakdown in 1963 of the bicomunal power-sharing arrangements of the original RoC – largely due to President Makarios' desire to make Cyprus Greek through depriving the TCs of their constitutionally guaranteed status of political equality – for reasons of security the TCs had retreated into numerous small enclaves scattered throughout the island. They were to remain in these guarded enclaves, altogether comprising 3% of the RoC territory, until 1974. Gradually, having been ejected from all the institutions of the RoC, TCs set up their own administration. The Cyprus government, now a solely GC administration, retained control everywhere in the Republic except the enclaves. Despite the conspicuous absence of TCs in it, this administration has, since 1964, claimed to be – and has gradually

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come to be internationally accepted as – the legitimate government of the RoC, the only internationally recognised Cypriot state.¹

After Turkey's military intervention in response to a pro-*enosis* GC coup backed by Greece and the forceful division of the island in 1974, the authority of this all-GC government became restricted to the southern part of the island. Meanwhile, the provisional TC administration of 1964-74 evolved to govern the north, eventually being transformed in 1983 into the present Turkish Republic of Northern Cyprus (TRNC), a state recognised only by Turkey. Since 1974 Turkey has kept around 35,000 troops on the island, the Turkish side's claim being that this is needed for security reasons until an overall agreement is reached.

Division has had drastic consequences as regards the ethno-demographic situation as well as Cypriot individuals' freedom to travel and settle throughout the island or exercise property rights. The island's total population in 1974 was estimated at 641,000, of whom 506,000 (78.9%) were GCs, 118,000 (18.4%) TCs, and the rest foreign residents (2.7%). With division, about one-third of that population became displaced. Nearly all of the estimated 162,000 GC inhabitants of the area to the north of the divide fled or moved to the south where the original GCs numbered 344,000. Similarly almost all of the estimated 48,000 TCs then living in the south moved to take refuge in the north where around 70,000 TCs lived. These population transfers rendered the two parts of the island in effect ethnically homogenised. For 29 years after division travel between north and south was virtually impossible for Cypriots. This situation changed in April 2003 when the TC authorities unilaterally

¹ Remarkably enough, this has happened without any formalities, such as a renegotiation of the internationally approved 1960 Cyprus Accords, having taken place. It seems safe to say that 'big power' politics have not, so far, found this anomaly inconvenient.

decided to allow crossings through the border separating the two Cypriot administrations.

In 1974 with nearly one-third of the GC community and half of the TC community having been displaced and thus having lost their homes and properties, a huge humanitarian problem emerged. The situation in the south was obviously more dire, given the overcrowding caused by the sudden influx of so many displaced persons and scarcity of resources available for accommodating them. For the TCs, on the other hand, the move was from confinement in merely 3% to – what they regarded as – freedom in 36% of the island. The main challenge in the north was to organise efficient and productive utilisation of abundant property and resources left behind by the GCs – a task hampered by the insufficient size of the TC population. In the elapsed period of over three decades the displaced persons in both parts of the island have been accommodated and largely adapted to their new environments. However, claims related to their lost homes and properties have been unsettled until now.²

With no solution to the question of Cyprus' division, life on each side has evolved quite independently from the other and two separate Cypriot societies each with its own state, economy and social and civil structures have come to exist. This situation has in turn led to further disputes between the two sides in addition to the ones arising from the population transfers of 1974-75. The most contentious of these disputes concerns migration into north Cyprus from third countries, particularly from Turkey. All these essentially human issues are interlocked with the political aspects of the question of division, and thus have not only remained unaddressed

² No established figures relevant to such property exist that both Cypriot sides accept. Somewhere between 64% and 79% of private property in the north belongs to GCs and somewhere between 14% and 22% of private property in the south belongs to TCs.

but have also become virtually intractable. Both sides view them as significant in relation to certain key elements of a Cyprus settlement, e.g., bizonality, political equality, the current political and legal status of the two Cypriot administrations and their political and legal relevance in the creation of any post-solution Cyprus state.

How to settle the ‘unresolved division of Cyprus’ – to use the UN description – has been the focus of the UN-sponsored intercommunal negotiations that have been taking place intermittently for nearly four decades. From about 1977 onwards, the ostensibly mutually accepted objective of the negotiations has been the island’s *reunification* on a *bizonal* basis. However, after all these years the two sides have yet to agree on what ‘reunification’ and ‘bizonality’ should actually entail. ‘Reunification on a bizonal basis’ is clearly a compromise formula attempting to reconcile the two conflicting Cypriot views of the present *separation*: the GC view that essentially considers it ‘a threat against the survival of Cypriot Hellenism in its ancestral lands and the restoration of the unity of its historical space’ versus the TC view that sees it as ‘providing the ground – albeit after some adjustments – for a bizonal solution that will ensure security and freedom of TCs against the threat of Greek domination’. So while reunification is the GC side’s primary concern, what really matters to the TC side is bizonality.

From the TC standpoint, the Turkish military operation was a legitimate intervention against the pro-*enosis* coup of 15 July 1974. That intervention halted the anticipated annihilation of the TC community which – the Turkish Cypriots widely believed – would have occurred had the coup succeeded. Indeed from this standpoint, the subsequent division which brought about a *de facto* bizonal

situation was necessary and justified in order to end the TCs' suppression by the GCs since the breakdown of the bicomunal RoC government in 1963. Thus a secure zone was created in the north into which all TCs could move and live as masters of their own house and destiny away from Greek hegemony. In this view – which disregards the vastly different and traumatic GC experience of events – Turkey's intervention in 1974 has brought 'peace' to the island.

GCs, on the other hand, generally think of the island's real trouble as having started in July 1974. They tend to overlook the conflict that existed between the two communities before that and the dire circumstances the TCs were in at that time – including being deprived of political representation in their own country – as well as the coup and *enosis*-bid that precipitated the Turkish military operation. They allege that the present GC administration is the *lawful* government of the RoC and that the *only* problem in Cyprus is that this government cannot exercise sovereignty over one-third of its territorial domain because of Turkey's 'illegal occupation' there. The creation and consolidation of an essentially Turkish zone in the north, as in the TC conception of bizonality, is unacceptable to GCs. For, it implies preventing displaced GCs returning to their lands and eradication of all that is historically Greek in that part of the island. This is not reunification, they say, but consolidation of division.

The TC position has been that, as proved by the events, establishing security and peace on the island necessitated that the GCs and TCs lived side by side rather than together. Thus on the TC side it has generally been presumed that the two communities' separation was now permanent and that each community should organise 'its own internal structure in its own area'. That entailed, it

was thought, a mutual agreement on global exchange of properties between the two sides and collective compensation to deal with reciprocal property claims. Such an agreement hasn't been possible but the principle became the basis of the official strategy followed in the resettlement of TCs displaced from the south. The same principle determined the TC administration's approach as regards properties of displaced GCs.

The process of building a new social and economic environment in the north where the TCs would all live together relied very much on the properties left empty after the departure of GCs. A series of unilateral – i.e., without any agreement with the GC side – measures and laws were adopted in order to facilitate that process. The aim of the stipulated arrangements was described as 'distribution of resources for rehabilitation' of relevant sections of the population 'in accordance with principles of social justice and in a viable way ensuring productivity and economic development'. Thus GC properties were allocated – initially only for use but later also for possession – to (a) refugees who included TCs from the south, repatriated pre-1974 TC emigrants, and – until 1982 – those Turkish immigrants who were officially judged as needed for development of northern Cyprus and granted citizenship of the TC state; (b) victims of the conflict; (c) TC resistance fighters; (d) those Turkish soldiers who fought in the 1974 war and afterwards settled and became citizens; and (d) TCs with insufficient income.

One aspect of the allocation procedures was the notion of 'equivalent property'. This concerned granting to persons who left property in the south, or whose property in the north was destroyed in the conflict, the possession of 'abandoned' GC property of equal value. Beyond this, a general evaluation and exchange system was invented with the value unit of a 'point'. 'Points' could be

exchanged for GC property, or traded, donated as gift or inherited. GC properties in the north and TC properties in the south were all assigned values in 'points'. The TC government also issued 'points' as compensation to various categories of persons such as victims of the conflict or those who served in the TC resistance struggle including the 1974 war. These points could then be exchanged for possession of GC property of equal 'point' value. In addition, persons with insufficient income and Turkish immigrants who settled before 1982 could buy 'points' from the TC government enabling them to receive possession of GC property which had been allocated.

In this way, 'abandoned' GC property gradually became part of the social and economic fabric in the north. Since 1974, such property has been the subject of significant dealings by TCs and others at an increasing rate. Within the north's regime, most GC property is now under new ownership (private or public) and can be inherited, mortgaged, traded, including being sold to foreigners, and developed for private or public use.

The GC approach to separation and the claims of displaced persons has been completely contrary to all this. GC government discourse and the widely held view among the public has been that division was temporary and would end once the Turkish army left and the 'unlawful' TC state was dismantled. Clearly GCs' rights to their homes and properties couldn't be compromised in favour of any bizonal settlement formula. Moreover, immigration into the north since 1974, particularly from Turkey, has been most objectionable to GCs as it is seen to be part of 'a systematic policy of colonising the occupied part of Cyprus'. It has been alleged that this policy aims at distorting the 'population balance' between the GCs and TCs in order to justify the TC claims regarding bizonality

and political equality. Generally GCs worry that not only will they be prevented from returning to the north but, 'due to the colonisation of northern Cyprus by settlers from Turkey, the GCs will be gradually squeezed out of Cyprus'. Indeed, for most GCs reunification of Cyprus is inconceivable without the reversal of what they see as the two most important 'illegal Turkish *faits accomplis*': one is the appropriation of GC properties and the other the demographic changes brought about by transferring population from Turkey.

The GC side consider that all GC and TC property belong to the original, i.e., pre-1974, owners. And they demand that any settlement agreement must ensure the application throughout the island of freedoms of movement and settlement and right to property, including recognition of all displaced persons' rights to their homes and properties. In the meantime, under the measures adopted by the GC government, the interior minister is appointed as 'custodian' of all TC property in the south. The custodian's function is to manage and allocate such property 'with the aim of meeting the needs of the refugees and serving the interests of the [TC] proprietors'. Most TC properties have thus been leased to GC displaced persons (at a rate lower than the market rent) or to the government, local authorities and organisations working for public benefit (at market rate). Legislation also provides for compulsory acquisition and compulsory distribution or sale of TC property under certain conditions. Though transfer of title to another person is explicitly ruled out, such action is exceptionally allowed if deemed beneficial for the owner or necessary in the public interest.

However, notwithstanding the GC government's apparent stance in defence of full respect for all displaced persons' property rights, the actual practice in the south generally prevents TCs from reclaiming theirs – including receiving compensation or any other

payment due to them in relation to their properties – not until after a comprehensive settlement. In the meantime, the government has allowed a lot of TC property to be modified through ‘development and productive use’ – both for private and public purposes, the latter including building refugee housing estates and various forms of infrastructure – which could make full restitution in the future of such property impossible.

On another front, the GCs have tried to oppose what has been happening in the north by lodging many hundreds of cases against Turkey at the European Court of Human Rights (ECtHR). In several judgements issued so far, the ECtHR has ruled that the displaced GCs remain the owners of the property they left in the north and that their property rights under the European Convention of Human Rights are being violated. This of course has called into question internationally the validity of the TRNC measures and legislation related to GC properties. In response the ECtHR rulings, the TC administration has since passed new legislation in order to deal with GC property claims. An ‘Immovable Property Commission’ is now in place with authority to decide on three alternative forms of settlement: restitution – under certain circumstances – of the immovable property, exchange of properties, or payment of compensation. The Commission has so far received over 370 applications from GC individuals and settled about 50 of them. This redress mechanism fulfils in principle the requirements indicated by the ECtHR which has welcomed its establishment but is yet to decide whether to approve it as ‘an efficient domestic remedy’ under the requirements of the European Convention.

As regards the population on the island, a lot has changed since 1974.³ There are now just over 1m people inhabiting the island as citizens or permanent residents, of whom 75% are in the south. According to 2005 estimates, citizens (RoC) in the south comprise 86% of the population, while the remaining 14% are foreign residents. In the north a census in 2006 revealed a *de jure* population of 256,644, of whom about 69% (178,031) are citizens (TRNC) and the remaining 31% (78,613) foreign residents. In addition, there are also illegal immigrants on both sides of the island the figures for whom are inevitably difficult to ascertain. Considering the island as a whole, persons with citizenship of one side or the other now make up 81% of the total population. It is interesting to note that in this ‘citizen’ population the ratio of those from the south to those from the north is about 4:1, which in fact compares with the GC-TC population ratio of 1974.

A breakdown by birthplace of the TRNC citizens shows that 147,405 of them are Cyprus-born (of whom 120,031 have both parents born in Cyprus, 10,361 have one parent born in Cyprus and the other in Turkey, and 16,824 have both parents born in Turkey); 27,333 Turkey-born; and the rest were born in other countries. The relative size of the non-citizen population residing in north Cyprus is obviously remarkably high and Turkish nationals constitute a large mass of that (70,525). There are two significant clusters contributing to the latter group: one comprises persons employed largely in construction and tourism sectors and the other students enrolled in the 6 TRNC universities.

Until about 1980, the settlement of Turkish nationals was indeed encouraged and facilitated in a joint effort by the TC authorities and

³ For a relevant comprehensive exposition and analysis, see two recent reports by Mete Hatay: *Is the Turkish Cypriot Population Shrinking*, PRIO Report 2/2007; and *Beyond Numbers*, PRIO Report 4/2005.

the Turkish government. Immigrants arriving under this policy were allocated GC property (as mentioned above) and citizenship right away. The idea was to prop-up the Turkish population and help create a viable economy in the north. About 20,000 Turkish nationals took up that call at the time – the group of immigrants that can sensibly be described as ‘settlers’ given the scheme under which they were brought to Cyprus. However, because of internal discontent and, not least, international pressure stirred by GC protests, privileges in the form of offering properties and automatic granting of citizenship were stopped in the early 1980s and the policy faded away. Still, Turkish immigrants continued coming to northern Cyprus of their own initiative, mostly as economic migrants, with some going on to acquire citizenship. From 2004 onwards, serious effort has been made by the TC government to put in place measures regulating both immigration and acquisition of TRNC citizenship.

Population and property issues in divided Cyprus are multifaceted, with vital human and legal-normative dimensions. However, the real complexity is due to their inextricability from the Cypriots’ perceptions of what is politically at stake in Cyprus. In a settlement involving transition from the present long-term *de facto* separation to ‘bizonal reunification’, dealing with these issues obviously requires a pragmatic compromise approach – e.g., as proposed in the failed UN Cyprus settlement plan of 2004. The question is: how can the two Cypriot sides be persuaded to accept such a solution? The answer is not easy. Former GC President Glafkos Clerides pinpointed this essential difficulty some time ago:⁴

Just as the GC preoccupation was that Cyprus should be a GC state, with a protected TC minority, the Turkish preoccupation

⁴ *Cyprus: My Deposition*, Nicosia 1990, vol. 3, p.105.

was to defeat any such effort and to maintain the partnership concept, which in their opinion the Zürich Agreement created between the two communities. The conflict therefore, was a conflict of principle and for that both sides were prepared to go on arguing and even, if need be, to fight, rather than compromise.