



**Doc. 16004**

10 June 2024

## Call for Varosha's return to its lawful inhabitants

### Report<sup>1</sup>

Committee on Political Affairs and Democracy

Rapporteur: Mr Piero FASSINO, Italy, Socialists, Democrats and Greens Group

### Summary

The ghost town of Varosha, a fenced-off area of the city of Famagusta, is one of the most shocking traces of the intervention of the Turkish military in the North of Cyprus in 1974. Almost 50 years since, the Cyprus problem is still unresolved, and the island remains divided.

The report calls upon all parties involved to contribute to the swift resumption of the political process on a comprehensive settlement of the Cyprus problem, and to refrain from any unilateral steps or public statements that could undermine the prospects for it. In this context, the report recalls that, in accordance with United Nations Security Council resolutions, Varosha must be transferred to the administration of the United Nations.

The Committee on Political Affairs and Democracy considers that the statements by the leaders of Türkiye and the Turkish Cypriot community promoting a "two-state solution" for Cyprus are in contradiction with commonly agreed parameters laid down by the relevant United Nations documents. Similarly, the moves taken since October 2020 to reopen access to the fenced-off area of Varosha undermine the prospects of reaching a comprehensive settlement of the Cyprus issue.

As Varosha has a highly symbolic importance for the Greek Cypriots, the draft resolution stresses that returning Varosha to its lawful inhabitants would constitute a strong positive contribution towards reaching a comprehensive settlement. It therefore suggests calling upon all parties involved to devise and implement a package of reciprocal confidence-building measures aiming at overcoming isolation and promoting co-operation for the benefit of both communities.

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1. Reference to committee: [Doc. 15333](#), Reference 4602 of 27 September 2021.



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## A. Draft resolution<sup>2</sup>

1. The summer of 2024 marks the sad 50th anniversary of the most dramatic episode in Cyprus' modern history – the *coup d'état* promoted by the military dictatorship in Greece aiming at achieving “Enosis” of Cyprus with Greece and the reaction of Türkiye which occupied the northern part of the island with its troops. This crisis followed the first conflict in 1963, following which the United Nations decided to deploy a peacekeeping force (UNFICYP), who is still present on the island today. The events of 1963/1964 and July-August 1974 made thousands of victims and pushed hundreds of thousands of Turkish Cypriots and Greek Cypriots to flee from their homes, leaving everything behind. The scars of these tragic events are still very present in memories and public conscience of Cypriots. One of the most shocking traces of those events is the ghost town of Varosha, a fenced-off area of the city of Famagusta which has been closed and uninhabited for 50 years.
2. The Parliamentary Assembly recalls that Cyprus, which had been part of the British Empire, was established in 1960 as an independent State ensuring equal rights and equal responsibility to all its citizens, both Greek Cypriots and Turkish Cypriots, and with guarantees of Greece, Türkiye and the United Kingdom.
3. The Assembly deplores that, almost 50 years since, the Cyprus problem is still unresolved, and the island remains divided. The continuing frozen conflict harms the vital interests of all Cypriot citizens and may lead to dangerous escalation. Furthermore, it constitutes a potentially destabilising factor for the Eastern Mediterranean.
4. The Assembly refers to its previous resolutions on the Cyprus issue, in particular Resolution 1362 (2004), Resolution 1376 (2004) and Resolution 1628 (2008), and reiterates its strong commitment to reaching a fair, lasting and comprehensive solution for a peaceful and united Cyprus which would guarantee the legitimate rights of both Greek Cypriots and Turkish Cypriots, in full compliance with the values and principles of the Council of Europe.
5. The Assembly fully supports the continued efforts by the United Nations Secretary General aimed at reviving the political process with a view to reaching a negotiated settlement of the Cyprus issue, and welcomes the appointment of María Angela Holguin Cuéllar as Secretary General's Personal Envoy on Cyprus for the purpose of exploring whether common ground exists or not between the two sides, and hopes that her efforts will be able to promote the re-opening of negotiations between the two Cypriot communities.
6. The Assembly calls upon all parties involved to contribute to the swift resumption of the political process, and to refrain from any unilateral steps or public statements that could undermine the prospects for it. In this context, it considers that the statements made by the leaders of Türkiye and the Turkish Cypriot community promoting a “two-state solution” for Cyprus, thus pushing towards an effective partition of the island, ignore and contradict a settlement of a united Cyprus in a bi-zonal and bi-communal federation in accordance with commonly agreed parameters laid down by the relevant United Nations documents.
7. In the same vein, the Assembly regrets the announcements made by the President of Türkiye, and practical moves taken by the leader of the Turkish Cypriot community since October 2020, with a view to reopen access to the fenced-off area of Varosha. It considers the gradual opening of the fenced-off area as an unacceptable change of the status of Varosha as defined by the relevant UN Security Council resolutions, and thus a grave violation of these resolutions that undermines the prospects of reaching a comprehensive settlement of the Cyprus issue.
8. Taking into account the highly symbolic importance of Varosha for the Greek Cypriot community, the Assembly believes that returning Varosha to its lawful inhabitants, either in the framework of the implementation of UN Security Council Resolutions 550 and 789 placing it under the UN control, or as part of a package of reciprocal confidence-building measures, would constitute a strong positive contribution towards reaching a comprehensive settlement.
9. The Assembly welcomes, and stands ready to support, all initiatives aimed at building trust between the Greek Cypriot and Turkish Cypriot communities, such as direct dialogue and practical bi-communal co-operation projects at the level of municipalities, political parties, religious leaders, academia, civil society organisations, youth, etc.

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2. Draft resolution adopted by the committee on 31 May 2024.

10. The Assembly particularly praises both municipalities of Famagusta/Gazimağusa for establishing constructive and future-oriented dialogue and encourages them to develop common bi-communal projects aimed at preparing Famagusta, including Varosha, for a common future following the eventual solution of the Cyprus issue. It calls upon the political leadership of both communities to facilitate and support such projects.
11. It also welcomes the direct dialogue between representatives of Greek Cypriot and Turkish Cypriot political parties under the auspices of the Embassy of the Slovak Republic, and encourages all political forces from both sides to make actively use of this opportunity to build mutual understanding and dispel mistrust.
12. The Assembly takes note that the European Court of Human Rights recognises the Immovable Property Commission (IPC) set up by Türkiye in the northern Cyprus following the Court judgement in the *Xenides-Arestis v. Turkey* case, as an effective domestic remedy for claims relating to properties left by Greek Cypriots in northern Cyprus as they fled to the South in 1974. It underlines this possibility for those Greek Cypriots who so wish to apply for pecuniary compensation, exchange or restitution of their properties abandoned in 1974.
13. At the same time, the Assembly notes that, in most cases processed to date, the IPC has ruled for compensation in accordance with claims of the applicants. In addition, it notes that, to date, no cases relating to Varosha have been completed.
14. Moreover, the Assembly understands that, for most Greek Cypriots lawful inhabitants of Varosha, applying to IPC, and even obtaining through it the right to return to their homes that would remain under a *de facto* control of the Turkish Cypriot authorities, is not politically acceptable or practicable.
15. The Assembly calls upon all parties involved to resume in good faith the political process leading to the settlement of the Cyprus problem on the basis a bi-zonal bi-communal federation with a single international legal personality, a single sovereignty and a single citizenship composed of two constituent States with political equality as described in pertinent UN Security Council resolutions and endowed with full powers in matters of assigned competence.
16. The Assembly urges Türkiye and the leadership of the Turkish Cypriot community to abandon their stance in favour of a “two-state” solution for Cyprus and to recommit to the political process leading to a comprehensive settlement of Cyprus issue on the basis of internationally agreed parameters.
17. The Assembly further urges the leadership of the Turkish Cypriot community to reverse all steps taken on Varosha since October 2020, to refrain from any further unilateral actions in relation to Varosha that are not in accordance with the relevant UN Security Council resolutions, and to implement as a matter of priority UN Security Council Resolutions 550 and 789 by placing the fenced-off area of Varosha under the UN control.
18. In addition, the Assembly calls upon all parties involved to devise and implement a package of reciprocal confidence-building measures aiming at overcoming isolation and promoting co-operation for the benefit of both communities and reunification of the island.
19. The Assembly calls upon the leaders of both communities to resume their meetings and dialogue on practical issues for the benefit of all Cypriots, and to re-engage in a political process under the auspices, and with good services, of the UN Secretary-General.
20. The Assembly values the participation of representatives of the Turkish Cypriot community in its debates and in the work of its committees and undertakes to give full effect to Resolution 1376 (2004). It encourages them to use more actively this opportunity to contribute to the European political debate, and to engage in a meaningful dialogue with their Greek Cypriot compatriot counterparts with a view to building mutual trust and preparing the ground for the resumption of direct talks between the two communities, under the auspices of the United Nations, with the aim to reach a fair, lasting and comprehensive solution for a peaceful and united Cyprus.
21. The Assembly appreciates the role played by the United Nations Peacekeeping Force in Cyprus and pays tribute to the soldiers and civilians who lost their lives in service to provide peace and security to the Cypriots.
22. The Assembly calls upon Greece, Türkiye and the United Kingdom, as guarantor powers, and all the members of the UN Security Council to co-operate for a solution of the Cyprus problem in accordance with the pertinent UN Security Council Resolutions.

23. The Assembly reiterates its commitment to a united Cyprus and resolves to continue, through the activities of its competent committees, to contribute to reaching a solution of the Cyprus problem shared by both Greek Cypriots and Turkish Cypriots and in accordance with the pertinent UN Security Council resolutions.

## **B. Explanatory memorandum by Mr Fassino, rapporteur**

### **1. Introduction**

#### **1.1. Origin of the report and procedure**

1. The motion for a resolution on “[Call for Famagusta’s return to its lawful inhabitants](#)”<sup>3</sup>, tabled by Mr Geraint Davies and other members of the Assembly on 25 June 2021, followed the announcements made, and practical moves taken by the President of Türkiye and the leader of the Turkish Cypriot community in October 2020, to reopen access to the fenced-off area of Famagusta (Varosha).
2. The motion recalls that Varosha was sealed off during the 1974 Turkish invasion of Cyprus and remains since then uninhabited, under the direct control of the Turkish military. It suggests that the Parliamentary Assembly should join the European Parliament in condemning Türkiye’s illegal activities in Varosha and warns that the city’s partial “opening” weakens prospects of a solution, exacerbating divisions and entrenching the permanent partition of the island.
3. Furthermore, the motion invites the Assembly to call on Türkiye to act according to the United Nations (UN) Security Council resolutions and return Famagusta to its lawful inhabitants; to reaffirm the Republic of Cyprus’ sovereign right to exploit its natural resources to the benefit of all people of Cyprus; and to urge Council of Europe member States to exert pressure on Türkiye to co-operate and refrain from actions that are inconsistent with international law and relevant UN resolutions.
4. I was appointed rapporteur at the meeting of the Committee on Political Affairs and Democracy on 28 September 2021. On 4 November 2021, the committee authorised me to carry out a fact-finding visit to Cyprus. The fact-finding visit took place from 6 to 8 June 2022, and I had the opportunity to meet with senior officials of the Republic of Cyprus and the Turkish Cypriot community, as well as with various representatives of political parties and civil society from both sides of the “Green Line”, the United Nations and the European Union. I travelled to the town of Famagusta, including part of the fenced-off area of Varosha
5. Work on the report thereafter was delayed several times owing to rounds of elections in Cyprus, Greece and Türkiye respectively.
6. Once those elections were over, I also carried out a fact-finding visit to Athens on 29 November 2023 and Ankara on 15 February 2024 for talks with representatives of the governments and parliamentary parties of Greece and Türkiye. In addition, I met the President of the Republic of Cyprus, Mr Nikos Christodoulides, on the sidelines of the January 2024 session of the Assembly.
7. I carried out a second fact-finding visit to Cyprus from 14 to 16 May 2024. This was an opportunity to hold further talks with President Christodoulides and the Turkish Cypriot leader Mr Tatar, as well as with other talking partners on both sides of the “Green Line”, and to review the situation on the ground in Varosha.
8. I wish to express my sincere gratitude to all my talking partners in Cyprus, Athens and Ankara for the warm reception they gave me and for the frankness of the discussions on this thorny issue, which in many cases went well beyond the formal scope of my mission.

#### **1.2. Scope and purpose of the report**

9. The motion for a resolution at the origin of the report is expressed in straightforward terms which require me to focus on the specific case of Famagusta (Varosha) and its return to its lawful inhabitants. It is true that the Varosha area of Famagusta, is a somewhat unique case in international law, as highlighted in several UN Security Council resolutions. At the same time, it is undeniable that the case of Varosha is part of a broader issue, namely the settling of the Cyprus question. It is difficult to consider the case of Varosha in isolation from that broader context.
10. That difficulty was confirmed in my dealings with the stakeholders as regards the scope of the report. The Greek Cypriot side and the representatives of Greece suggested that I focus solely on Varosha without going into all the details of a comprehensive settlement of the Cyprus question. On the other hand, the Turkish Cypriot side and the representatives of Türkiye put forward arguments of a historical and legal nature which, in their view, meant that Varosha could not be taken out of the broader context of the Cyprus question.

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3. [Doc. 15333](#); the rapporteur has proposed to modify the title of the report; the original title of the motion for a resolution was: “Call for Famagusta’s return to its lawful inhabitants”.

11. Faced with this conundrum, my aim is to inform the Assembly of the nature of the Varosha problem in the broader context of the process aimed at a comprehensive settlement of the Cyprus question, set out the stances of the stakeholders (who appear to be diametrically opposed), consider the possibilities of them finding some common ground, and more generally consider ways and means for the Assembly and the Council of Europe to contribute to the political process conducted by the United Nations.

## 2. Background

### 2.1. Historical background of the Cyprus conflict (1960-1974)

12. The Republic of Cyprus gained independence as a sovereign State in 1960. Its population was comprised of approximately 77% ethnic Greek Cypriots and 18% ethnic Turkish Cypriots. In the years before independence, the political movement for “Enosis”, meaning unification with Greece, enjoyed considerable support among Greek Cypriots. Most Turkish Cypriots were against “Enosis”, and many supported “Taksim”, meaning “partition” of the island.

13. Türkiye, Greece and the United Kingdom are bound by a Treaty of Guarantee (1960) and a Treaty of Alliance (1960) to uphold the independence, territorial integrity and security of the Republic of Cyprus and prevent its unification with any other State or the partitioning of the island.

14. Following inter-communal clashes in the 1960's, the UN Security Council adopted Resolution 186 (1964), establishing a United Nations Peace-keeping force in Cyprus to prevent further inter-communal violence.

15. In 1967, a military junta seized power in Greece. On 15 July 1974, the Greek military junta and a faction of the Cypriot National Guard launched an armed bid for “Enosis” by staging a *coup d'état* in Cyprus against the legitimate government of Archbishop Makarios. In response, on 20 July 1974, the Turkish military invaded the north of Cyprus. Türkiye invoked the right to intervene as a Guarantor party to prevent unification with Greece.

16. On 23 July 1974, the military junta in Greece and the *de facto* military government of Cyprus that had been appointed 8 days earlier collapsed simultaneously.

17. On 14 August 1974, in breach of the agreed cease-fire by the Turkish army, the second phase of the Turkish military invasion began, resulting in the occupation of 37% of the island and the internal displacement of over 200 000 people. The majority of refugees were Greek Cypriots who fled the Turkish invasion to the south of the island. With the ceasefire agreement (16 August 1974), the UN buffer zone was expanded to encompass the parameters of the new ceasefire line, which caused the effective partition of the island along the “Green Line”. Nearly 50 years later, Cyprus remains divided under Turkish occupation.

### 2.2. Famagusta/Varosha

18. Famagusta is an example of a settlement abandoned by its Greek population as a result of the invasion. Prior to 1974, Famagusta was a highly developed town, and in particular the island's main tourism hub, renowned for its history, medieval architecture and sandy beaches frequented by international tourists. According to the Municipality of Famagusta, the population of the city in 1974 accounted for 43 000 Greek Cypriots and 5 000 Turkish Cypriots.

19. Varosha (Maraş in Turkish) is a part of the town of Famagusta, which stretches for several kilometres along the coastal beaches and comprises over 6 000 houses and plots of land, including dozens of luxury hotels.

20. During the Turkish military intervention in August 1974, the town of Famagusta was bombed and occupied by the Turkish army, and its Greek Cypriot population fled, leaving everything behind. The Turkish army fenced off part of Varosha and declared it a restricted military area. It remained as such for over 45 years. The fenced-off site is located in the immediate vicinity of the UN buffer zone.

21. In line with the relevant resolutions of the UN Security Council, the international community (with the exception of Türkiye) considers Varosha to be illegally occupied and has systematically called for the withdrawal of Turkish Cypriot and Turkish military installations from the closed town. Several UN Security Council resolutions are regularly highlighted in relation to the occupation of Varosha, most notably:

- UNSC Resolution 550 (1984):<sup>4</sup> “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”;
- UNSC Resolution 789 (1992):<sup>5</sup> calls on Varosha to be put under the direct control of the UN peacekeeping mission in Cyprus.

22. The call for Varosha’s return to its lawful inhabitants thus refers to Greek Cypriots who were former residents or owners of property in the town. The members of the Greek Cypriot community who were forced to leave in 1974 have largely been denied access to dwellings or land which they legally own. Many Greek Cypriots have engaged in legal action to remedy their lost properties. Between 1974 and 2020, the fenced-off area was entirely closed off and became a “ghost town”. Its unique status as unoccupied by civilians made it a source of hope for Greek Cypriots who wished to return.

### **3. Efforts to reach a political solution to the Cyprus conflict (2004-2020)**

#### **3.1. Annan Plan (2004)**

23. The plan for the reunification of Cyprus designed under the auspices of the former UN Secretary-General Kofi Annan has been the most comprehensive attempt to resolve the Cyprus question. It aimed to do so by reunifying Cyprus in a “United Cyprus Republic” comprising two constituent States – the Greek Cypriot State and the Turkish Cypriot State – under a federal government. The “United Cyprus Republic” was to be a bi-communal, bi-zonal federal State made up of constituent States that were politically equal but with a single sovereignty, a single international personality and single citizenship.

24. The Annan Plan enjoyed broad international support as the best historic opportunity for a peace deal and a solution to the status of Cyprus. It gained significant political momentum due, in part, to Türkiye’s accession talks with the European Union. Putting an end to the Turkish occupation of over one-third of Cyprus and finding a solution to the Cyprus question, within the UN framework, was regarded as crucial to the continuation of Türkiye’s political integration with Europe.

25. The Annan Plan was submitted, in April 2004, to simultaneous referenda in both Greek and Turkish Cypriot communities. The Greek Cypriot community rejected the proposal with a large majority in the referendum, essentially because of concerns over security: 76% voted against the plan. Turkish Cypriots in the northern part voted in favour of the Annan Plan with 65% voting for the resolution.

26. By adopting Resolution 1376 (2004), the Assembly stated that it was “profoundly disappointed by the failure, following the massive “no” vote by the Greek Cypriot community, of the international community’s efforts to end the division of Cyprus” and expressed its commitment to help the Turkish Cypriot community in their aspirations for a future in Europe and a call for an end to the political isolation of the north.

#### **3.2. Political developments (2008-2014)**

27. New negotiations took place in March 2008 under the auspices of the UN. In response, the Assembly adopted [Resolution 1628 \(2008\)](#), expressing support for renewed talks on unification. The resolution states:

*The Assembly is hopeful that, despite deep-rooted differences between the parties on a number of key issues to be negotiated, and the need to find difficult compromises and to secure their public support, the current situation offers the best opportunity in many years to reach a settlement. President Christofias and Mr Talat are conscious that they cannot afford to fail. All the internal and external actors involved must do their utmost to maximise the chances of success for this process.*

28. Former rapporteur Mr Joachim Hörster noted in his information report on “The Situation in Cyprus” (2014), that the aforementioned statement had proved “over-optimistic”.<sup>6</sup> The talks which started in 2008 fell through in 2012, and negotiations for a settlement stalled.

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4. [Resolution 550 \(1984\)](#).

5. [Resolution 789 \(1992\)](#).



### **3.3. Joint Statement (2014)**

29. In February 2014, the Greek Cypriot and Turkish Cypriot leaders issued a Joint Statement providing more details of the negotiating framework already agreed by the UN, calling for a negotiated settlement on the basis of a bi-communal, bi-zonal federation. Among other things the Statement reiterated that:

- the settlement would be based on a bi-communal, bi-zonal federation with political equality as set out in the relevant Security Council resolutions and high-level agreements;
- the united Cyprus, as a member of the United Nations and of the European Union would have a single international legal personality and a single sovereignty, defined as sovereignty as enjoyed by all UN member States under the UN Charter and emanating equally from Greek Cypriots and Turkish Cypriots;
- there would be a single united Cyprus citizenship, governed by federal law.

30. The Joint Statement<sup>7</sup> was heralded as a step in the right direction by much of the international community, including by Greece and Türkiye. The European Union welcomed the relaunch of the talks, reiterating its support for a peace plan based on internationally recognised principles.

31. The discovery of hydrocarbon resources near Cyprus in 2014 added a new element of geopolitical contention to the Eastern Mediterranean region. The Republic of Cyprus licensed multinational firms to conduct exploration and surveying operations within its exclusive economic zone (EEZ). The move was met with condemnation from Türkiye, which responded by sending a warship to monitor the hydrocarbon exploration activities in the Cyprus EEZ. President Anastasiades said challenges to any offshore development could lead to a cessation of peace talks. In October 2014, President Anastasiades broke off peace talks by refusing to attend further negotiations on grounds of illegal Turkish activities in the EEZ of Cyprus.

### **3.4. The change in Türkiye's stance: a "Two-State solution" (2014-)**

32. The election of Recep Tayyip Erdoğan as President of Türkiye in 2014 was a crucial development for the political process on the Cyprus question.

33. President Erdoğan called for both sides to work toward a "new partnership based on a two-State solution", calling it "the only way forward".<sup>8</sup> A two-State solution would entrench the partition of the island by legitimising the independence of the northern part of Cyprus. Since the election of Mr Erdoğan, officials in Türkiye have increasingly pushed for a two-State solution.

### **3.5. Political developments (2015-2017)**

34. In April 2015, the Turkish Cypriot community elected a new leader, Mr Mustafa Akıncı. He sought to foster more independence from Türkiye and was widely regarded as being committed to the reunification of the island.

35. The Greek Cypriot and Turkish Cypriot leaders embarked on a series of confidence-building measures ahead of new peace talks.

36. In June 2017, UN Secretary-General António Guterres announced a "Six-Point Framework" which builds on previous reunification models. The UN-brokered peace talks in Crans-Montana fell through later in 2017, as the parties failed to converge on key issues.

### **3.6. UN bid for renewed talks (2018-2020)**

37. In June 2018, UN Secretary-General António Guterres sought to restart the peace process by appointing Ms Jane Holl Lute, an American diplomat, as a new special adviser on Cyprus. By January 2019, Ms Lute concluded that both sides were diverging overall. In January 2020, the consultations were at a standstill.<sup>9</sup>

38. Mr Ersin Tatar was elected leader of the Turkish Cypriot community on 18 October 2020.

6. [Doc.13501](#).

7. Also referred to as: "Common Declaration".

8. [www.dailysabah.com/politics/2014/09/03/president-erdogan-insists-on-twostate-solution-during-cyprus-visit](http://www.dailysabah.com/politics/2014/09/03/president-erdogan-insists-on-twostate-solution-during-cyprus-visit).

9. [Crisis Group February alerts and January trends 2020 \(Cyprus\)](#).

#### 4. The reopening of Varosha (2020-) and reactions of the international community

39. The announcement to reopen Varosha to the public was made during Mr Tatar's visit to President Erdoğan (6 October 2020). On 9 October, civilian visitors were allowed to enter Varosha.

40. The UN Security Council expressed "deep concern regarding the announcement in Ankara on 6 October to open the coastline of Varosha and called for the reversal of this course of action, and for the avoidance of any unilateral actions that could raise tensions on the island."<sup>10</sup>

41. On 13 October 2020, the Cypriot delegation to the Assembly addressed a letter to the Chairperson of the Committee on Political Affairs and Democracy, the late Dame Cheryl Gillan, warning her of the latest developments relating to Famagusta. The letter expressed regret over the unilateral "opening" and asked the committee to discuss the issue. Following a discussion in the committee on 15 October 2020, Dame Cheryl Gillan issued a statement calling for the resumption of negotiations in line with the UN resolutions. According to the statement, "the unilateral move to open the closed parts of Varosha is clearly contrary to the provisions of the standing international resolutions on the Cyprus issue."

42. On 15 November 2020, Josep Borrell, EU High Representative for Foreign Affairs and Security Policy, issued a statement reaffirming the European Union's support for a settlement based on the internationally agreed principle of a bi-zonal, bi-communal federation with political equality.<sup>11</sup>

43. From 27 to 28 April 2021, Greek Cypriot and Turkish Cypriot leaders participated in an informal "5+1" meeting at the UN in Geneva, under the auspices of the UN Secretary-General, aimed at resuming the talks under the "Six-Point Framework" introduced in 2017. At that meeting, Türkiye and the Turkish Cypriot leader rejected the entire UN negotiation framework for a federal bi-communal and bi-zonal solution in Cyprus. They instead demanded recognition of "sovereign equality" and "equal international political status" for Turkish Cypriots as a condition for resuming negotiations for a "two-State" solution. Cyprus and Greece, which also participated in the Geneva meeting alongside the United Kingdom, reiterated that the only acceptable negotiating framework was the one set out in the relevant UN Security Council resolutions, while also calling for an active role for the European Union in every step of the UN-led negotiation process. Ms Lute resigned from her post of UN envoy. UN Secretary-General António Guterres stated that he would persevere in his efforts to restart negotiations.

44. On 20 July 2021, the President of Türkiye and the leader of the Turkish Cypriot community made a joint announcement declaring new plans for the further reopening of Varosha to the public of the northern part of the island.<sup>12</sup>

45. On 23 July 2021, the President of the UN Security Council made a statement condemning the joint announcement. The statement called for an immediate reversal of actions and reiterated that any attempt to settle Varosha by people other than its legal inhabitants remained "inadmissible".<sup>13</sup>

46. The announcement by the Turkish President and Turkish Cypriot leader also prompted a declaration from the Council of Europe Secretary General Marija Pejčinović Burić (28 July 2021). The declaration expressed deep concern over the unilateral reopening and reiterated the Council of Europe's support for UN-backed efforts to foster talks on a settlement to the Cyprus question. It particularly stressed that the human rights of all Cypriots should be fully respected on the basis of the relevant UN resolutions and in line with guarantees provided by the European Convention on Human Rights (ETS No. 5).

47. On 29 July 2021, the UN Security Council adopted Resolution 2587 (2021) in response to the new developments and reiterated, *inter alia*, the status of Varosha as defined by the relevant UN resolutions. Resolution 2587 (2021) reaffirmed the pivotal role of the UN in assisting the two communities to find a viable and lasting solution.

48. When addressing the UN General Assembly in September 2021, President Erdoğan made the following statement on Cyprus:<sup>14</sup>

*A fair, lasting and sustainable solution to the Cyprus issue is possible only through a result-oriented, realistic approach.*

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10. [Statement by the President of the Security Council.](#)

11. [Varosha: Statement by the High Representative Josep Borrell, 15 November 2020.](#)

12. ["Erdoğan, Tatar announce controversial plan to further reopen Cypriot ghost-town", \*Al-Monitor\*, 20 July 2021.](#)

13. [Statement by the President of the Security Council, 23 July 2021.](#)

14. [Address to the 76th session of the United Nations General Assembly, 21 September 2021.](#)

*While the leader of one of the two peoples on the Island, which the United Nations considers as equal, can address you, it is not fair that the other leader cannot make his voice heard on this platform.*

*For a solution, it is necessary to reaffirm the sovereign equality and equal international status of the Turkish Cypriot people, who are the co-owners of the Island.*

*We support the new vision put forward by the Turkish Cypriot people for a solution.*

*I hereby call on the international community to evaluate the views of the Turkish Cypriots with an open mind and without prejudice.*

49. On 27 September 2021, UN Secretary-General António Guterres convened a meeting in New York with the leaders of both Cypriot communities. In public comments after the meeting, President Anastasiades and Cypriot Foreign Minister Nikos Christodoulides expressed hope for renewed UN-led efforts to negotiate a settlement<sup>15</sup> while Mr Tatar again insisted on a two-State solution.<sup>16</sup>

50. Since the informal meeting in Geneva in April 2021, Türkiye and the Turkish Cypriot leader have repeatedly called for a “two-State solution” outside the UN framework and, according to the Greek Cypriot side, have sought to impose fresh *faits accomplis* in Varosha and the buffer zone.

51. On 19 May 2022 it was announced that works to open two additional seafronts at Varosha beach were under way. The Turkish Cypriot side issued a press release two days later, on 21 May, claiming that the fenced-off area was part of its “territory” under the sole “jurisdiction” of the “TRNC government”. Running counter to the relevant UN Security Council resolutions, this announcement stressed that the Turkish Cypriot side would not be asking permission from any authority, and certainly not the Greek Cypriot side, for future activities in Varosha.

52. According to the statements made by the Turkish Cypriot leader in October 2022, the Turkish Cypriot side had begun preparations in the centre of Varosha to open buildings of the Cypriot Electricity Authority (AHK), the Cypriot Telecommunications Authority (ATHK/CYTA) and a “grocery shop”, and part of the “Agios Memnon” district of Varosha would be returned to public use.

53. One important step was the adoption of UN Security Council Resolution 2674 (2023), in which paragraph 3 stressed that “any further unilateral action may prompt a response from the Security Council”. This position was reiterated in Resolution 2723 (2024).

54. On 5 January 2024, UN Secretary-General António Guterres announced the appointment of Maria Angela Holguin Cuéllar, former Colombian Foreign Affairs Minister, as his personal envoy to Cyprus, tasked with a good offices role on his behalf for finding common ground on the way forward and advising him on the Cyprus issue.

## **5. Summary of visits and stances of the parties**

### **5.1. On-the-spot fact-finding visits (June 2022)**

55. As previously mentioned, in October 2020, Türkiye and the Turkish Cypriot leader announced the opening of part of the closed area of Varosha. Military area status was repealed for that part of the area, and access was authorised, including for tourists.

56. During my first fact-finding visit to Cyprus in June 2022 I was able to visit the part of Varosha that had been opened to the public. I saw that the Turkish Cypriot authorities had resurfaced a few of the roads in the area and laid out two beach areas, with deck-chairs and parasols and a few small shops. Works were being carried out on several municipal buildings as well as on a building belonging to a Muslim foundation. However, all private houses were completely run-down, seemingly ruined by the war, by time and by natural decay and completely uninhabitable. It was truly a sad and uncomfortable spectacle. I also noticed a fairly large number of tourists moving around within this area.

57. On my second visit to Varosha in May 2024, we were taken beyond the area open to the public, further south of the part visited in 2022. I found that there was no work in progress, either on the roads or on the private buildings and hotels located in this area; we also found that the hotel buildings were under constant

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15. “With Lunch Invite, UN Chief Tries to Restart Cyprus Talks”, *Associated Press*, 27 September 2021.

16. “Turkish Cypriot leader discusses TRNC’s position on Cyprus with UN chief”, 29 September 2021.

surveillance by security guards, and the entrance doors were sealed. According to the information we were given, teams from the United Nations forces in Cyprus check these seals every week. There were also large numbers of tourists visiting the reopened area of Varosha, both groups and individuals.

58. It must be pointed out that the former Greek Cypriot inhabitants of the town do not intend to give up hope of getting their homes and land back one day. They have rallied around a “municipality in exile” and hold regular votes to elect their mayor and municipal council, with whom I was able to meet on the day before my visit to Varosha. According to their information, some 35 000 people vote in these elections including, increasingly, the descendants of those who had to flee in 1974. It is to these people that the title of my report refers as, beyond the underlying political issue, namely the partition of Cyprus, which the international community has been trying, in vain, to resolve for nigh on 50 years, there are also the personal practical issues of Cypriots forced out of their homes and unable to enjoy their property.

59. In April 2024, I met the mayor in exile of the municipality of Famagusta, Mr Simos Ioannou, during the Assembly session in Strasbourg. Following this meeting, I decided to hold, on my visit to Cyprus in May 2024, a joint meeting in the presence of Mr Ioannou and Mr Süleyman Uluçay, mayor of the Turkish Cypriot municipality of Gazimağusa (the Turkish name for Famagusta). This meeting took place on 15 May 2024 under the auspices of the Italian embassy in Nicosia and was very productive. Mr Ioannou and Mr Uluçay discussed joint projects to be implemented, for example conducting a feasibility study on the renovation of Varosha's infrastructure pending the possible reunification of the town. I call on the political authorities of the two Cypriot communities to support and encourage such projects, which promote mutual trust and serve to advance the cause of the reunification of Cyprus.

60. The European Court of Human Rights has received applications from a number of Cypriots and repeatedly found violations by Türkiye *inter alia* of Article 1 of the Additional protocol to the European Convention on Human Rights (ETS No. 9) relating to private property.

61. Since then, and notably following the judgment in the case of *Xenides-Arestis v. Türkiye*, the Turkish authorities have set up the Immovable Property Commission (IPC) in northern Cyprus as a domestic remedy for claims to abandoned property in the northern part of the island. This commission is supposed to examine applications for the return of property, compensation and/or exchange in respect of properties belonging to Greek Cypriots and located in the north of the island.

62. According to the information provided to me by its Chairperson in June 2022, by that date the commission had received more than 7 120 applications, of which 460 related to Varosha. Around 1 370 applications had been processed, mainly through amicable settlements involving the payment of compensation.

63. According to the information received during my second visit and which is available on the IPC website,<sup>17</sup> by 13 May 2024, 7 591 applications had been received by the IPC and 1 766 of them had been fully processed. The IPC had awarded GBP 444 884 746 to applicants by way of compensation. It had also ruled on exchange and compensation in two cases, return of property in five cases and return of property and compensation in eight cases. In one case it had ruled that property would be returned after the Cyprus question had been settled, and in one case it had given a ruling of partial return of property. It should be noted that 513 applications concern Varosha, of which 41 relate to property located in the reopened area. To date, however, none of the Varosha cases have been fully processed.

64. The vast majority of Greek Cypriots seem reluctant to use this mechanism, despite it being recognised by the European Court of Human Rights, as they see this as tantamount to recognising the authority of the Turkish Cypriot side over the occupied parts of Cyprus. They believe that only a political solution, comprehensive or partial, to the Cyprus question would be satisfactory and create the conditions in which they could return to the towns and villages they had to leave in 1974, including Famagusta/Varosha.

65. However, as time goes by, the prospect of a negotiated settlement is increasingly remote and the *de facto* partition of Cyprus ever more cemented. That is why I emphasised, to my talking partners on either side of the “Green Line”, the absolute necessity of stepping up the political process and at the same time seeking to build bonds of trust between the two communities.

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17. <https://tamk.gov.ct.tr/en-us/>.

## 5.2. The Greek Cypriot stance

66. Throughout my talks with the Greek Cypriot authorities and political representatives, all my talking partners underlined their strong attachment to seeing the Varosha issue resolved in conformity with the relevant United Nations resolutions on the subject, notably Security Council Resolutions 550 (1984) and 789 (1992). At the same time they voiced their fear that the refusal of their Turkish Cypriot compatriots and Türkiye to implement these base resolutions and the *fait accompli* tactics on the ground, such as the opening of the closed area of Varosha, were ploys to speed up the definitive partition of the island – which is, it has to be said, the stated aim of Türkiye and the Turkish Cypriot leader, Mr Ersin Tatar, with the “two-State” concept.

67. Implementing Resolutions 550 and 789 and placing Varosha under the administration of the United Nations could be a game-changer in the eyes of the Greek Cypriot side and potentially trigger a positive dynamic in the political process of finding a comprehensive settlement for Cyprus. They put forward several proposals for confidence-building measures to that end.

68. On the other hand, the continuation of *fait accompli* tactics in Varosha risked destroying any chance of a negotiated solution for Cyprus.

69. In the interests of accuracy, I will quote below an excerpt from a letter regarding the ownership of property in Varosha sent to me by Mr Nicos Tornaritis, Chair of the Cypriot delegation to the Assembly on 5 May 2023:

*I would like to express my concern over recent statements by representatives of the illegal occupation regime in Cyprus regarding the alleged sale of Greek Cypriot properties in Famagusta, affirming that following the necessary renovation works, these will be operational and open for tourist reservations by 2025.*

*As you already know the “ghost town” of Famagusta remains uninhabited since the 1974 Turkish invasion of Cyprus. Pertinent UN Security Council Resolutions consider attempts to settle any part of Varosha by people other than its inhabitants inadmissible and call for the transfer of the area under UN administration. However, to date, Türkiye violates international law, defying repeated calls of the international community to abide by its international legal obligations. Instead, Türkiye, through its illegal subordinate regime in the occupied territories, is now proceeding with the gradual opening of the coastal area to tourism and foreign investment. In fact, Türkiye is taking advantage of the “Immovable Property Commission” (IPC) to usurp Greek Cypriot properties in Famagusta and elsewhere, in line with its expansionist and partitionist claims. However, the effectiveness of the “IPC” is contested on several grounds, including the nature of the redress it affords, its lack of independence and impartiality and the inadequacy of the compensation levels offered compared to the market value of the properties.*

*The international community cannot remain idle vis-a-vis these developments as the property issue is a crucial aspect of the Cyprus problem. Türkiye’s attempts to create new *faits accomplis* on the ground must be addressed with greater resolve on behalf of the international community, beyond verbal condemnations. Türkiye must be held accountable and bear the consequences for its illegal acts and intransigence that severely undermine prospects for the reunification of the island. I am confident your report on Famagusta will send this clear message to Türkiye.*

70. I would also like to quote from the letter sent to me by the Municipality of Famagusta on 15 March 2024 setting out its position as regards both Varosha and the comprehensive settlement of the overall Cyprus question, which follows the same line as the government of Cyprus:

*The Municipality of Famagusta reiterates its call for:*

- The immediate termination of all deplorable unilateral activities which alter the temporary status quo of Varosha in violation of the relevant UNSC Resolutions 550 (1989) and 789 (1992) and seek to prepare the area for its illegal settlement.*
- The return to Varosha of its lawful inhabitants following the unequivocal transfer of the fenced-off area under the control of the United Nations Peace-keeping Force in Cyprus, as prescribed in the aforementioned resolutions.*
- The termination of all Turkish illegal activities that raise further tensions on and around the island, create new partitionist *fait accompli*, alter the demographic balance on the island and undermine the prospects for the resumption of meaningful direct negotiations, which constitutes the only available path for the reunification of Cyprus and its people.*

*- The immediate resumption of substantial negotiations on the basis of the agreed solution of a bicomunal bizonal federation with a single international legal personality, single sovereignty and single citizenship, as well as with political equality between the two communities, as this is defined by the relevant UNSC resolutions, and from the point they left off at Crans Montana in 2017; therefore, on the basis of the Common Declaration of the two leaders of 2014, of its Six Points Framework of 30 June 2017 and of the convergences achieved by the end of the Conference.*

*The ongoing illegal military occupation of Cyprus by Türkiye for fifty years is unacceptable and must immediately be terminated. The recent and escalating negative developments at Varosha, the fenced-off part of Famagusta, are extremely alarming and prove once more that the current status quo is unsustainable.*

*The Municipality of Famagusta would like to emphasise the great value of the support of the international community in the direction of persuading Türkiye to abandon and reverse its illegal activities and commit to the resumption of meaningful negotiations aiming at the comprehensive settlement of the Cyprus problem as described above. This is the only way forward for securing peace and stability in Cyprus and the surrounding region.*

71. On my second visit to Cyprus, I had the privilege of meeting President Nikos Christodoulides twice and he explained to me in detail his position on the overall Cyprus settlement issue, including the matter of Varosha which is of symbolic importance to Greek Cypriots. The Cypriot authorities are open to restarting the political settlement process and have proposed a whole package of confidence-building measures for Turkish Cypriots. They are ready to go further, in particular to open additional crossings between the two communities, including one specifically reserved for trade.

### **5.3. The Turkish Cypriot stance**

72. During my talks with the Turkish Cypriot representatives during the visit and subsequently, I noted that there were diverging opinions regarding a comprehensive solution to the Cyprus question. The current Turkish Cypriot leader, Mr Ersin Tatar, was resolutely in favour of a “two-State solution” and opposed to resuming efforts to find a solution within the previously agreed framework of United Nations resolutions, the Annan plan, the 2014 joint declaration of the two leaders and the Six-point framework of 2017. He insisted on recognition of “sovereign equality” and “equal international political status” for Turkish Cypriots as a condition for resuming negotiations for a “two-State solution”.

73. The representatives of the majority parties took the same line, whereas the opposition had a more nuanced stance and envisaged the possibility of resuming the political process on the basis of the previously agreed parameters.

74. However, on the specific issue of Varosha there was a consensus that it could not be resolved prior to and outside of a comprehensive solution. My talking partners stressed that the transfer of Varosha to the Greek Cypriots had been envisaged in all previous schemes for a comprehensive settlement of the Cyprus question drawn up by the United Nations and blocked by the Greek Cypriot side.

75. Furthermore, my talking partners also emphasised the following two points:

- Much of the land in Varosha, and indeed in Cyprus, had been the property of the “Ottoman foundations”, and the transfer of property to Greek Cypriots by the British had not been lawful.
- The Immovable Property Commission was the channel to be used by Greek Cypriots wishing to recover property or receive compensation.

76. As above, I will quote excerpts, in this case from a letter sent to me on 10 November 2022 by Mr Ozdemir Berova, a former representative of the Turkish Cypriot community in our Assembly:

*Maraş is an area located under the full sovereignty of the TRNC and the steps taken by the TRNC in the fenced-off area of Maraş would not adversely affect individual property rights... the fenced-off area of Maraş has become a major symbol of the status quo in the island. Rejection by the Greek Cypriot side of all UN plans for a comprehensive agreement, as well as all Confidence-Building Measures containing, among others, the fenced-off area of Maraş, left the area unattended for many years. It is an undeniable fact that leaving the fenced-off area of Maraş closed in its current condition is in the interest of no one.*

Therefore, in July 2021, TRNC Government lifted the military zone status of a pilot area, which corresponds to 3.4% of the fenced-off area of Maraş. The purpose of this decision was to enable the Immovable Property Commission (IPC) to process the property claims, as this was previously not possible due to the military zone status of the area.

... As it is known, IPC was established in 2005 by our authorities to evaluate the property claims of the Greek Cypriot people, and had been accepted as an effective domestic remedy by the ECtHR through the Demopoulos case in 2010 followed with its subsequent judgments. On 22 September 2022, the Council of Europe Committee of Ministers on human rights [sic] closed the supervision of the execution of the judgment of the Loizidou case and, once again, has reaffirmed the effectiveness of the IPC. According to this decision, the remedies of compensation and exchange in compliance with the IPC Law are as valid and effective as the restitution remedy. Thus, the effectiveness of the remedies of compensation and exchange for the property claims has once again been reaffirmed...

As my third point, which is about “comprehensive solution”, I would like to refer to a famous quote: “doing the same thing over and over and expecting the same result”. As of 2017, the decades-old Cyprus conflict and the 50-year-long negotiations to resolve it have reached a historic end in Crans Montana. This is because of the Greek Cypriot side's inability to demonstrate the necessary political will to resolve it on the basis of a bi-communal bi-zonal federation with political equality and a new partnership...

All efforts to do this through a federal partnership having failed, we must now direct our efforts to find new and realistic ways to promote mutual respect and peaceful co-existence as good neighbours. This is both our vision and responsibility to future generations...

In the aftermath of the Crans Montana Conference, the UN Secretary-General took a new initiative to start an exercise on terms of reference to bring the two parties closer and a new chapter in the Cyprus problem has been opened. In line with the calls of the UN Secretaries General on the two sides to “think outside the box” and that “this time must be different”, the Turkish Cypriot side tabled its new vision at the 5+UN informal meeting in 2021... Mr Ersin Tatar explained in detail why the federation model failed to provide any solution to the Cyprus issue in the last 50 years, and pointed out that sovereign equality and equal international status of the Turkish Cypriot people should be reaffirmed first, and then the two States can launch negotiations to establish a co-operative relationship.

77. On my second visit to Cyprus in May 2024, I had the privilege of meeting again with Mr Tatar, who reiterated his position on the Varosha issue, which is that it can only be resolved as part of a comprehensive settlement of the Cyprus problem. Mr Tatar also reiterated the necessary preconditions for the resumption of negotiations on the Cyprus problem, namely the equal sovereignty of both parties and the lifting of restrictions on the Turkish Cypriot side, including on direct trade, direct international travel and international contacts. Lastly, Mr Tatar described the confidence-building measures proposed by the authorities of the Republic of Cyprus as insufficient and as having no positive impact on the situation of Turkish Cypriots.

78. I also received written comments from the Turkish Cypriot side concerning the earlier version of the preliminary draft of my report distributed at the meeting of the Committee on Political Affairs and Democracy in April 2024, for which I am grateful to our Turkish Cypriot colleagues. I have incorporated some of those comments in this version. I have decided, however, not to quote these comments in full in order to maintain the overall balance of the report.

#### **5.4. The stance of Greece**

79. Greece fully supports the efforts of the United Nations to arrive at a mutually agreed settlement on the basis of the relevant resolutions of the UN Security Council. It considers that negotiations should resume as soon as possible, from the point where they were interrupted in Crans Montana, within the UN framework and in line with the relevant UN Security Council resolutions, which call for a bi-zonal and bi-communal federation with political equality but a single sovereignty, international personality and citizenship.

80. The Greek representatives have pointed out that the return of the fenced-off town of Varosha to its lawful inhabitants has been regarded as a priority by the international community, without being tied to the settlement of the Cyprus question. In their view, the return of Varosha to its inhabitants has for decades been considered by both Greek Cypriots and the international community as an absolute *sine qua non* condition for a mutually acceptable settlement to the Cyprus problem. They have reiterated that the return of the town was agreed upon for the first time in the 1979 high-level agreement between the leaders of the two communities (Kyprianou – Denктаş) and provided for in UN Security Council Resolutions 550 (1984) and 789 (1992). The

successive Cypriot governments (2004, 2010, 2013, 2020, 2022) have put forward concrete proposals for the return of Varosha, such as confidence-building measures, offering in exchange concessions regarding the operation of the port of Famagusta and Tymbou airport in the occupied zones.

81. Seen from Athens, Türkiye and the Turkish Cypriot leaders have actively engaged in a public relations drive in recent years aimed at altering the agreed framework for negotiating a solution to the Cyprus question. One key feature of that drive is the attempt to change the status of Varosha, with the gradual opening of the “fenced-off zone”. This is a strategy planned over a long time, launched in 2020 and implemented little by little since then. By gradually opening Varosha, Türkiye and the Turkish Cypriot leaders are testing the reactions of the international community. If not reversed, the same scenario would be reproduced in other parts of the fenced-off area. If Türkiye illegally settled people other than the lawful inhabitants in the closed-off town, no agreed solution to the Cyprus question would be practicable any more, given Greek Cypriots’ profound physical and emotional ties to Varosha.

### **5.5. The stance of Türkiye**

82. Most of the talking partners I met with in Ankara thought that the Varosha issue could not be resolved without a comprehensive solution to the Cyprus question, in which connection they claimed that the issue had begun at the beginning of the 1960s with legal and administrative problems, the expulsion of Turkish Cypriots from the partner States’ organs and institutions and from their homes, and flagrant violations of the Constitution of the partner Republic and the inherent rights of the Cypriot people. They believed that, from 1963 to 1974, Greek Cypriots had conducted an armed campaign of ethnic cleansing against Turkish Cypriots. Hundreds of Turkish Cypriots had allegedly fallen victim to these attacks committed by Greek Cypriots.

83. They referred in this context to the Assembly Resolution 573 (1974),<sup>18</sup> which condemned the Greek Cypriot coup and expressly recognised that Türkiye had exercised its right of intervention in accordance with Article 4 of the Guarantee Treaty of 1960.

84. Türkiye claims that, throughout this affair, it has always been the Greek Cypriots who have rejected all the solutions proposed for the Cyprus question. Because of that, the Turkish Cypriot side, aware that a federation that had failed in 1963 or a confederation was no longer a viable option, advocates a solution involving two States co-existing side by side, based on the principles of equal sovereignty and fostering co-operation between them.

85. More generally, the Turkish talking partners say that they no longer trust the United Nations and the efforts of several of its emissaries. The recent incident in Pyla is cited as the most recent example of UN bias. The proposals to place Varosha under United Nations control as called for in Security Council Resolutions 550 and 789 are rejected.

86. The European Union does not inspire confidence either. The 2004 episode had been particularly traumatic and was seen as an injustice: despite voting in favour of the Annan Plan the Turkish Cypriot community had been penalised while the Greek Cypriot side which had rejected it had been rewarded with EU membership.

87. Where Varosha is concerned, Türkiye maintains that there have been no violations of individual property rights with the repeal of military zone status in Varosha and its opening to the public. These rights remain protected, and all the measures taken are accompanied by a commitment to respect them. Moreover, the IPC, recognised by the European Court of Human Rights as an effective domestic remedy, actively deals with property-related matters. Türkiye refers in this connection to the Court’s judgments<sup>19</sup> and the relevant Committee of Ministers documents.<sup>20</sup> Consequently, all matters relating to property should be resolved by applying to the IPC.

88. Finally, it was mentioned several times that nearly all the land in the Varosha region belongs to Ottoman foundations and yet, during the brief British domination of the island, these properties were allocated to Greeks and the British in breach of the legal provisions governing property owned by foundations.

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18. Resolution 573 (1974) “Situation in Cyprus and in the Eastern Mediterranean area”, adopted by the Standing Committee on 29 July 1974.

19. Decision in the case of *Demopoulos and others v. Turkey*, 1 March 2010.

20. Resolution CM/ResDH(2022)255, Execution of the judgments of the European Court of Human Rights, *Loizidou v. Türkiye*, 22 September 2022.



### 5.6. The stance of the United Nations

89. The United Nations regularly reiterates the stance on Varosha set out in the relevant resolutions. In his last report<sup>21</sup> to the Security Council in January 2024, the Secretary-General once again expressed his concern about developments in the fenced-off area of Varosha and observed that the UN's position remained unchanged in this respect. He reiterated the decisions of the Security Council on the issue, notably Resolutions 550 (1984) and 789 (1992), and stressed the importance of fully complying with the provisions of those resolutions.

90. In Resolution 2723 adopted on 30 January 2024, the Security Council “*recalls* the status of Varosha as set out in relevant resolutions, including resolutions 550 (1984) and 789 (1992), and its Presidential Statement (S/PRST/2021/13) which condemns the 20 July 2021 announcement by Turkish and Turkish Cypriot leaders on the further reopening of a part of the fenced-off area of Varosha; *expresses deep regret* regarding the continuation of unilateral actions that run contrary to its previous resolutions and statements on Varosha and *calls for* the immediate reversal of this course of action and of all steps taken on Varosha since October 2020; *deeply regrets* the ongoing disregard of this call for immediate reversal, *cautions against* any further actions in relation to Varosha that are not in accordance with its resolutions; *emphasises* that any further unilateral action may prompt a response from the Security Council; and *continues to stress* the need to avoid any unilateral actions that could raise tensions on the island and undermine the prospects for a peaceful settlement.”

91. My second visit to Cyprus in May 2024 coincided with the visit to the island of Ms María Angela Holguin Cuéllar, Personal Envoy of the Secretary General of the United Nations, who was appointed to that post on 5 January 2024. Unfortunately, it was not possible to arrange a meeting with Ms Holguin due to our respective very busy agendas. I understand, however, that the feedback from her visit has not been positive and it seems that the political process remains stalled.

### 5.7. The stance of the European Union

92. The European Union makes statements at various levels, constantly and unambiguously in favour of settling the Cyprus question in line with the base parameters defined by the resolutions and other relevant documents of the United Nations. It takes the same attitude towards the specific case of Varosha.

93. The last joint Communication<sup>22</sup> on the state of relations between the European Union and Türkiye contains a section on the Cyprus question, with one excerpt reading as follows:

*The EU remains fully committed to a comprehensive settlement of the Cyprus problem, within the UN framework and in line with the EU acquis and the principles on which the EU is founded. The EU has called, most recently in the European Council conclusions of June 2023, for the speedy resumption of negotiations and expressed readiness to play an active role in supporting all stages of the UN-led process and step up its practical support to facilitate a comprehensive settlement, with all appropriate means at its disposal. The EU's engagement and support to the Cyprus issue is a sine qua non for easing tensions in the region. The EU also continuously expressed its support to the UN leadership regarding a renewed effort to bring the sides to the negotiating table and, in this regard to the call for the nomination of an UN Envoy. The EU stands ready to support the UN process.*

94. In reply to a question from the Cyprus News Agency on the position of the European Union on Varosha, in May 2022 the European Commission spokesperson, Stefan De Keersmaecker, stated:<sup>23</sup> “We continue to be guided by the relevant UN Security Council Resolutions with respect to Varosha, which consider attempts to settle any part of the city by people other than its inhabitants as inadmissible, and call for the transfer of that area to the administration of the United Nations. No actions should be carried out in relation to Varosha that are not in accordance with those Resolutions”.

95. For its part, the European Parliament adopted a resolution in November 2020 on “Escalating tensions in Varosha following the illegal actions by Türkiye and the urgent need for the resumption of talks”,<sup>24</sup> in which it condemned “Türkiye’s illegal activities in Varosha, in particular its partial ‘opening’”. The EP emphasised that

21. Security Council – Secretary-General’s Report on his mission of good offices in Cyprus; S/2024/13, 3 January 2024, para. 46.

22. Joint Communication to the European Council. State of play of EU-Türkiye political, economic and trade relations; JOIN(2023) 50 final, 29 November 2023.

23. “EC: Actions in Varosha a step in the wrong direction”, *Kathimerini Cyprus*, 24 May 2022.

24. P9\_TA(2020)0332; Escalating tensions in Varosha following the illegal actions by Türkiye and the urgent need for the resumption of talks; 26 November 2020.

the creation of a new *fait accompli* undermines mutual trust and the prospects for a comprehensive solution of the Cyprus problem, by negatively modifying the situation on the ground, exacerbating division and embedding the permanent partition of Cyprus, and warned against any change of the *status quo* in Varosha in violation of the aforementioned UNSC resolutions. The Parliament furthermore expressed concern that the illegal “opening” of Varosha aims at changing the status of property ownership in the area, thereby undermining the prospects for the return of Varosha as prescribed by the relevant UNSC resolutions, or through the comprehensive solution of the Cyprus problem. It urged Türkiye to refrain from illegally settling Varosha with people other than its lawful inhabitants or calling for the lawful inhabitants to return to their properties under conditions of military occupation.

## 6. Conclusions

96. The specific issue of Varosha is a part of the general Cyprus question which, after nearly 50 years, has remained unresolved, despite many serious efforts by the international community.

97. The partial opening of the fenced-off Varosha area, which is a grave violation of the United Nations Security Council resolutions, is a sign of the major change in the position of Türkiye on Cyprus and undermines the prospects of reaching a comprehensive settlement of the Cyprus question on the basis of recognised principles contained in relevant UN Security Council resolutions.

98. At the same time, the specific case of Varosha directly affects the rights of its lawful inhabitants, as rightly pointed out in the motion prompting this report.

99. To sum up, returning Varosha to its lawful inhabitants requires:

- either a comprehensive negotiated solution to the Cyprus question in line with the relevant United Nations documents;
- or a partial solution, such as the implementation of Security Council Resolutions 550 and 789 placing Varosha under the administration of the United Nations;
- or a solution as part of the implementation of a package of reciprocal confidence-building measures for the benefit of the two Cypriot communities and the other actors involved, which would include implementation of UN Security Council Resolutions 550 and 789 and the effective return of Varosha to its lawful inhabitants.

100. In any case, Türkiye has a vital role to play. For the time being though, Türkiye shows no desire to conform to those resolutions and is even moving in the opposite direction by insisting on a two-State solution.

101. I call on all the parties concerned to contribute to the speedy resumption of the political process and to refrain from any unilateral measures or public statements that could jeopardise its prospects.

102. I also call on all parties concerned to devise and implement a package of reciprocal confidence-building measures for the benefit of the two Cypriot communities and the other actors involved, which would include implementation of UN Security Council Resolutions 550 and 789 and the effective return of Varosha to its lawful inhabitants.

103. I welcome all initiatives aimed at building trust between the Greek Cypriot and Turkish Cypriot communities, such as direct dialogue and practical bi-communal co-operation projects at the level of municipalities, political parties, religious leaders, academia, civil society organisations, youth, etc.

104. I particularly commend the two municipalities of Famagusta/Gazimağusa for establishing a constructive and forward-looking dialogue and encourage them to develop joint bi-communal projects aimed at preparing Famagusta, including Varosha, for a common future once the Cyprus issue has eventually been resolved. I call on the political leaders of both communities to facilitate and support such projects.

105. I also welcome the direct dialogue between representatives of Greek Cypriot and Turkish Cypriot political parties under the auspices of the embassy of the Slovak Republic and encourage all political forces on both sides to actively use this opportunity to build mutual understanding and dispel mistrust.

106. Lastly, I call on the leaders of the two communities to resume their meetings and dialogue on practical issues in the interest of all Cypriots, and to re-engage in a political process under the auspices and through the good offices of the UN Secretary General.

**Appendix – Dissenting opinion presented by Mr Yıldırım Tuğrul Türkeş, Mr Namık Tan, Ms Sena Nur Çelik Kanat and Mr Konur Alp Koçak, members of the Committee on Political Affairs and Democracy, pursuant to Rule 50.4 of the Assembly Rules of Procedure**

Regretfully, the report falls short of keeping a proper track of historical facts and concentrates mainly on the events of 1974 while omitting to elaborate on the suffering of the Turkish Cypriot people between 1963/64 and 1974, which was described as a veritable siege by the then UN Secretary General (S/5950).

The report also loses sight that a settlement needs to be negotiated freely and mutually acceptable and that international community is expected to respect the will of the Turkish Cypriot People and honor its quest for securing its inherent rights, namely sovereign equality and equal international status. Furthermore, after more than half a century long negotiations the collapse of the Conference held in Crans-Montana in 2017 despite all the constructive efforts of Türkiye and the Turkish Cypriot side, has marked the exhaustion of the bi-zonal bi-communal federation.

In this context, the report contains completely inaccurate statements and comments regarding President Erdoğan who firmly supported Annan Plan despite strong opposition in domestic politics.

As for property rights concerning the fenced-off area of Maraş/Varosha, the constructive approach of TRNC which envisages a gradual opening of the area, is in line with international law and upholds individual property rights as protected under European Convention on Human Rights.

It is important to recall that in 2005 TRNC established the Immovable Property Commission (IPC) in compliance with *Xenides-Arestis* judgment of the European Court of Human Rights to address the claims of the Greek Cypriots, who are willing to exercise their property rights now, rather than to wait for a “political solution”.

In its 2010 *Demopoulos* decision, the European Court of Human Rights has concluded that the IPC is an effective remedy which is at the disposal of the Greek Cypriot property claimants, examining their claims for restitution, compensation and exchange. The European Court of Human Rights has also endorsed the effectiveness of the IPC with respect to properties in the fenced-off area of Maraş/Varosha as well as the proposals of the IPC concerning loss of use for properties in said area to be in compliance with the Convention.

In July 2021, the military zone status of a pilot area, corresponding to 3.4% of fenced-off area of Maraş/Varosha was lifted enabling IPC to grant restitution along with compensation and exchange. While currently over 513 applications out of 7 569 that have been lodged at the IPC are related to the fenced-off area of Maraş/Varosha, more than 41 of these applications concern properties within the pilot area.

It also needs to be underlined that this approach is in line with the main thrust of the relevant UN Security Council Resolutions, which unlike the European Court of Human Rights’ decisions and judgments rather have a soft law character. It should also be noted that at the time the relevant UNSC resolutions were adopted, there was no effective domestic remedy for property claims in the TRNC.

In fact, insisting on the settlement of the issue of fenced-off area of Maraş/Varosha on the basis of the outdated UNSC resolutions is not only in contradiction with the jurisprudence of the European Court of Human Rights but also undermines the effectiveness of the Court system along with the credibility of PACE.