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A Political Analysis of Closed off Varosha Opening

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Abstract

After the 1967 Arab-Israeli war, one of the most popular tourism and entertainment centers in the world and the Mediterranean region, the “Varosharegion” has been kept closed following the 1974 Cyprus Peace Operation. The Turkish Cypriot Government has started the “Closed off Varosha Opening” as of 08 October 2020, in order to reopen this closed area to economy and tourism. However, “ownership of immovable property” and “management of the region” in the region are two controversial issues and constitute the biggest obstacles to the opening of the region.

In this thesis, the Varosha issue in Cyprus since 1974 were examined within the scope of foundation properties, ownership of property, domestic legal arrangements, United Nations (UN) Peacekeeping Forces In Cyprus, UN decisions and the UN-led negotiations carried out and the Varosha opening, the problems in opening of the Varosha region, which had been closed for 49 years, were discussed, and different scenarios were taken into account by considering the international law and human rights and a possible, fair and applicable political solution proposal for the opening of Varosha has been put forward by discussing different political solution proposals for the opening of Varosha under the Turkish Cypriot administration.

Keywords: Varosha opening, property, foundations, political, solution.

1. Introduction

The closed off Varosha issue has been an international issue that has never lost its actuality. The cause of the problem is about political actors and their regional policies. There are two controversial issues that prevent the opening of the Varosha region: Ownership of immovable property and management of the region. The reason why the problem could not be solved is political and the failure to present a course of action that will satisfy all parties as a solution. The solution of the Varosha issue is of special importance in terms of political, technical, economic and legal aspects. It is thought that the re-opening of the region will contribute to the solution of the Cyprus issue both economically and politically.

Unlike other studies, there is limited information about Varosha and this subject is studied only by researchers. Digital technological data is scarce. There are many photographs, and the video from 1974 is few. Studies on Varosha (in the fields of foundations, property and law etc.) are few and not sufficient. There is no different region in the world with the same characteristics that can be compared. Since the opening of Varosha is a current issue, it has not been studied and politically examined yet. As a result of the above-mentioned, the main research question emerged as a political analysis of the closed off Varosha opening. The main idea of the article is to reveal the possible ways of action towards the opening of Varosha and the solutions that did not come to the agenda and to seek an answer to the question of how the Varosha issue can be resolved in the most appropriate, legal and acceptable way in line with the European Court of Human Rights decisions from different political perspectives. With this article, it is aimed to fill the gap in this field, to better understand the closed off Varosha issue, to propose political solutions and to shed light on the solution of the Varosha issue.

2. Literature Review

This study is a theoretical research and is based on the relevant literature. Comprehensive information was gathered by examining a wide range of sources such as books, articles, documents, archival documents, foundation documents, legal documents, reports, unofficial documents, newspapers, media organs, films and documentaries about the closed off Varosha literature review. The events were examined in sequence in order.

Direct data were obtained by using the primary data collection sources obtained from the media organs related to the research subject. Secondary data sources, which were collected by different units in the past, were used for different purposes. In order to evaluate the subject in depth, interviews were conducted with live witnesses of the Peace Operation and people who have extensive and in-depth knowledge of the subject, who have worked on the subject of Varosha or who have served or serving in high-level government positions.

In this context, in this article, the Varosha region will be examined in the historical process, and since almost all of the land in the Varosha region has been foundation land since the 16th century, information will be given about the foundation lands. Because there are residents of the buildings on the foundation lands and various right holders, claims and demands in this context, brief information will be given about the domestic legal regulations regarding property. Since there are UN-led negotiations and UN resolutions regarding Varosha issue and there are few UNFICYP in the Varosha region, these issues will be examined briefly.

2.1. History of Varosha region (quarter)

Varosha is known as the “city of windmills” due to the large number of windmills in the region, and the “city of oranges” due to the abundance of orange groves (Gunnis, 1973: 86). It is also called the “red village” because of the red color of the agricultural land (Parker, 1962: 80)

When the island history of Cyprus is examined, it is seen that the word “Varosha” or “Maraş” and the settlement emerged with the conquest of the island by the Ottoman Empire and a quarter or region emerged in the south of the city called Maraş by the Turks and Varoş¹ or Varosha by the Greek Cypriots (Hakeri, 1992: 240). As Beckingham stated, among the villages that were founded and settled by Turks who came to Cyprus from Anatolia in 1570-1571 or were abandoned but were settled by Turks from Anatolia, there is also “Maraş”, whose name is only Turkish.

¹ “Varoş”, meaning outer or suburban quarter, which is far from the city or town center by the Ottoman Turks, is a word of Hungarian origin and means “town, city” (Bağışkan, 2009: 385).

In the list prepared by Mustafa Haşim Altan (Altan, 2001a: 25), Maraş is also indicated among the regions where Turks from Anatolia were settled and whose population entirely consisted of Turks (Gazioğlu, 2000: 112). All these show that Maraş (Varosha) is a settlement established by the Turks.

With the Treaty of Defence Alliance signed between the Ottoman Empire and the British Empire on 04 June 1878, the use of the island of Cyprus was temporarily given to the British Empire. During the British rule, report prepared by Captain James Inglis in 1879 about the nahiye of Famagusta. Report states the following: The population of Famagusta nahiye² is approximately 450, and the entire population is Turkish. About 800 meters from Famagusta is the market town of Maraş (Varosha). The population of Maraş is approximately 1,500. 23% of this population is Muslim. Abdullah Pasha has a large number of properties in Maraş and a large area in Karpasia (Captain Inglis, 1880: 70-138).

In the 1940s, touristic activities began on the island (Torlak, 2016: 244). After the establishment of Republic of Cyprus (RoC), the census carried out on the island on 01 December 1960. In the census, the entire population of Famagusta city was determined as 34,958 and the Turkish population was 6,275. In addition, the entire population of 13 of the 22 villages of Famagusta, mostly within the city walls, consisted of Turks (Sadrazam, 2013a: 20-21).

After the conflicts that started in Cyprus on 21 December 1963, holiday residences and high-rise apartments started to rise in Varosha and the city expanded in the south and east direction (Dağlı, 1999: 15). As Beirut was affected by the Arab-Israeli war in 1967, regional tourism shifted to the Varosha region, and Varosha became one of the world-famous entertainment and tourism centers (Dağlı, Doratlı and Önal, 1998: 19).

In 1974, the city of Famagusta provided labor for 10% of the island's population. Half of the bed capacity on the island (10,000 beds) was located in Famagusta (Keshisian, 1985). Between January and June 1974, 53% (713,455) of the total number of tourists (1,334,490) who visited the island came to the Famagusta region (Abiç, 2020a: 24-26).

In 1974, Varosha consisted of three regions: the rich tourism region in the east, the residential area of middle-income people in the west, social and administrative service centers in the middle of both sections. The region called "closed off Varosha" is a tourism region on the coast. There are residential areas in the region called "lower Maraş", and together with the region where the administrative center is located, it is open to settlement today (Dağlı and Bayındır, 1997: 175). In Figure 1, 2 and 3, pictures, dating before the 1974 Greek military coup, of three different regions of Varosha are shown.

Figure 1. Tourism region
(Varosha Beach)



Source: Demiralp, n.d.

² The Nahiye is the name given to "the regions in which various villages, hamlets and tribal groups are located administratively and geographically" in the Ottoman provincial organization (Şahin, 2006: 307).

Figure2. Administrative center³**Figure 3.** Residential area⁴

*Source:*Yayla, 2020 *Source:*Taşçioğlu, 2014

In order to restore peace and constitutional order in Cyprus, Türkiye started the Peace Operation on 20 July 1974 by using its “right of guarantor” in accordance with its obligations in Article 4 of the Treaty of Guarantee. Upon Turkish military units were fired from the roof of the hotel at the entrance of the city of Varosha on 15 August 1974 (Lewis, 1974), Varosha was besieged by the troops of the 28th Division at 18:00 on 15 August, although it was not included in the Turkish operation plans (Evcil, 1990: 106). Turkish soldiers entered Varosha around 10:00 on 16 August and Varosha was taken under control.

After the Greek Cypriot National Guard (GCNG) and the EOKA-B (Ethniki Organosis Kyprion Agoniston: National Struggle Organization of the Cypriots) organization massacred 126 unarmed Turkish Cypriots in the villages of Muratağa, Sandallar and Atlılar on 14 August (Sadrazam, 2013b: 1918), the Greek Cypriots living in Varosha, who heard about the massacre, had to leave the city of Varosha on the morning of 15 August, because they probably feared that they would be harmed in the clashes. They were never forced to leave their places of residence (Abiç, 2020a: 63), and they were not victimized by being dispossessed. Numerous and unbelievable offers were made by the Turkish Cypriot administration for them to return to the Varosha region, but all of them were rejected. The residents of Varosha made no subsequent attempts to return to their properties.

Varosha was not closed by the decision of the Turkish government or the Turkish Cypriot administration. The UN had no influence on the closure of Varosha. In line with the consensus reached between the Turkish government of the period and the Chief of General Staff, the Varosha region was secured (Abiç, 2020b: 30-31) and by the order of the 28th Division Commander of the period, Varosha was declared a military forbidden zone and the entry of civilians to the region was not allowed (Sadrazam, 2013b: 1811). The region is still in the status of military forbidden zone and its security is provided by the Turkish Cypriot Security Forces Command since 1990. Since there are Greek Cypriots, Turks, foreign investors and residents in the Varosha, the closure of a part of Varosha in order to prevent looting is legal and in line with international law. It is also supported by UNSC resolutions 550 and 789.

2.1.3. Varosha in Present Day

Varosha region (quarter) is a touristic settlement that is a part of the city of Famagusta under the control of the Turkish Cypriot administration. However, there are buildings built on the foundation (vakf) land. There are residents and different owners of these buildings and their claims within this scope (Basa, 2021: 13).

Varosha region (quarter) consists of closed off (disputed and not open to settlement) Varosha and lower (open to settlement) Varosha. It was built on an area of approximately 6.4 km² (Akgün, 2015: 15). The disputed and unsettled inhabited (closed off) Varosha region, located to the east, covers an area of approximately 5.3 km² or 3,961 acres⁵.

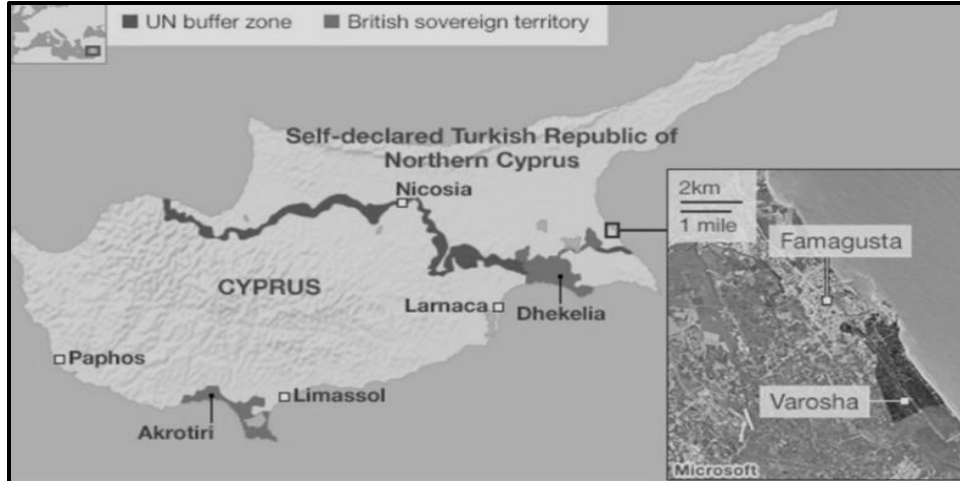
³ Municipality Park and the first Stadium of Famagusta (Yayla, 2020)

⁴ It is produced by taking a screenshot from the documentary film Varosha “Hayalet Şehrin Hikayesi” (Taşçioğlu, 2014).

⁵ In Cyprus, 1 acre is 1,338 m² (Capiton Construction Ltd., 2020).

When the Derinia (Derinya) region is included, the total surface area of the region is 6.4 km² or 4,638 acres. The borders of the Varosha region are surrounded by wire fences and it is forbidden to enter it, except for the permitted sections. Figure 4 shows the disputed and unsettled part of Varosha.

Figure 4. Disputed and unsettled part of Varosha



Source: Hooper and Venema, 2014

According to the archives of Famagusta Municipality, the Varosha region, which is not open to settlement, consists of four main sections: hotels, commercial centers, residential areas and schools. There are a total of 8,394 buildings in the region. Distribution of buildings in Varosha region can be seen in Table 1 (Boğaç, 2002: 15).

Table 1. Distribution of buildings in Varosha region

Type of Building	Number	Type of Building	Number
Detached house or apartment	4,649	Museum/cultural space	25
Commercial workplace	2,953	Bank	21
Ruins/constructions	380	School	8
Government offices	143	Church	7
Entertainment venue	99	Sports facility	2
Apartment Type Hotel	60	Masjid (Bilal Agha)	1
Hotel	45	Mausoleum (Pertev Pasha)	1

2.2. Foundations in Varosha

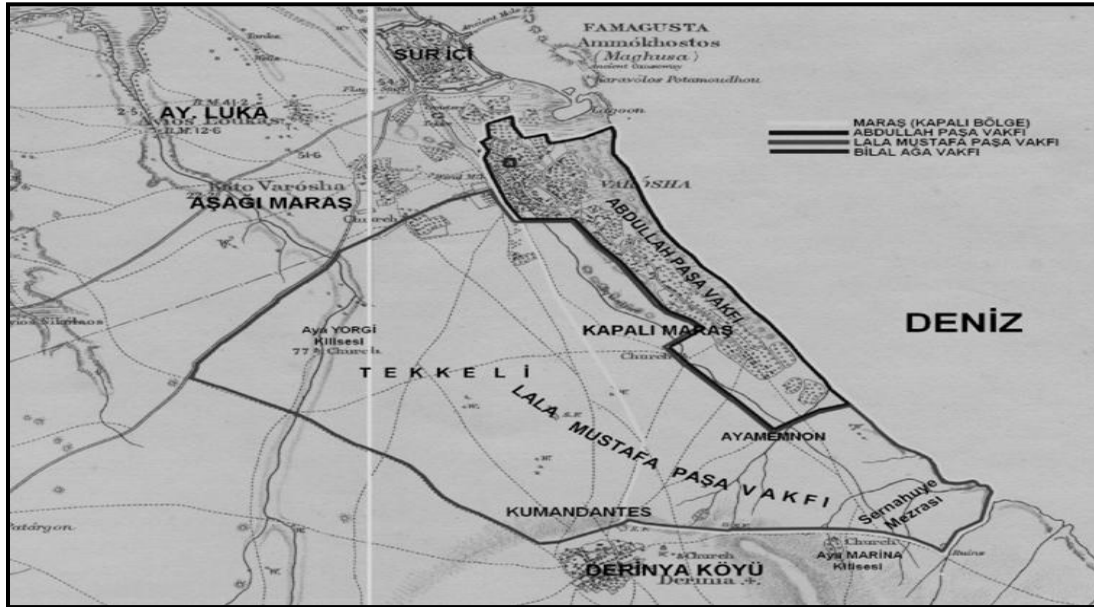
Between 1571 and 1878, more than 2,200 pious foundations were established in Cyprus. While Cyprus was transferred to the British administration, 30% of the island was transferred as foundation land with title deed (Kıbrıs Vakıflar İdaresi, 2021: 5-6).

It is undisputedly accepted by the Turks, the British and the Greek Cypriots that the Varosha region is a foundation land since the 16th century. The fact that pious foundations have priority rights in the Varosha region has been proven by the vakfiyyas⁶ and the original British title deeds.

⁶**Vakfiyya (Vakfiye)** is the written establishment document of the foundation, that is, the foundation bills. They are written according to the Shariah rules. They contain the rules set by the person making the foundation, and are approved by the court (Gazioğlu, 2000: 248; Ömer Hilmi Efendi, 1890/2003: 16; Yıldırım et al., 2000: 110).The

The Cyprus Foundations Administration (CFA) manages these three foundations as temporary trustees. The sketch prepared by the CFA showing the property boundaries of foundations is shown in Figure 5.

Figure 5. Property boundaries of foundations



Source: Benter, 2020, pp. 78-81; Property boundaries of foundations, n.d.

The area of the Varosha region is 4,638 acres, 0 evleks and 300 ft². The area of the region, which is owned by Abdullah Pasha Foundation (2.743 acres, 0 evlek⁷, 1.018 ft²), by Lala Mustafa Pasha Foundations (1.105 acres, 3 evleks, 2.661 ft²) and by Bilal Agha Foundations (1 acre, 2 evleks, 531 ft²) (Öztürk, 2020: 373), is 3,850 acres, 2 evleks and 531 ft². The remaining 787 acres, 1 evlek and 3.369 ft² area consist of the general public space and roads (Öztürk, 2020: 373). Today, only an area of 1 acre, 2 evleks and 452 ft² remained as foundation land under the ownership of CFA, which is the manager of foundations in trust (Closed off Varosha is the property of Evcaf, n.d.:5). Considering the remaining foundation land, it is seen that 99.99% of the foundation lands have been ousted from the foundation ownership.

Ahkamü'l Evkaf and foundation law are the determinants of the property rights of foundations in the Varosha issue. No foundation can be closed, sold, transferred, made the subject of a grant or inheritance. Since foundations are established by a court decision, they must be closed only by a court decision. According to British title deeds and land registry records, almost all of Varosha was originally Turkish title deed and foundation land. However, over time, as a result of the illegal practices and decisions taken by the British administration of the period, Turkish foundation lands were usurped by the Greek Cypriots and the rights of the Turkish Community in the Varosha region were violated. Over time, the Maraş region was transformed into a Greek Cypriot-specific settlement, increasing the Greek Cypriot population in the region, lands in the region were donated to Greek Cypriot organizations, and all foundation properties were plundered for similar reasons (Altan, 2001b: 790-794).

One of the most important historical monuments in the Abdullah Pash Foundation land is the Mausoleum of Pertev Mehmet Pasha⁸. The Mausoleum of Pertev Mehmet Pasha is one of the biggest proofs and indicators that Varosha is an ancestral heirloom and a Turkish foundation land.

principle of “irrevocable” is essential for vakfiyyas. That is, it cannot be reversed, revoked, changed, terminated or removed. The foundation’s endowment is permanent and is not subject to statute of limitations.

⁷ 1 Evlek is 3.600 ft².

⁸ Pertev Mehmet Pasha was an Admiral of the Fleet during the conquest of Cyprus. The renovated tomb was opened to visitors with a ceremony held in Varosha on 28 April 2022, under the name of “The Mausoleum of Pertev Pasha” (Arslan, 2022).

Another famous building is the first seven-star⁹ and 7-floor Golden Sands Hotel and touristic complex. Ownership registration of Golden Sands Hotel is problematic as it is built on foundation land of Abdullah Pasha Foundation.

Golden Sands Hotel

Figure 6.In 1974 or before

Figure 7. In April 30, 2020



Source: Golden Sands Hotel Famagusta 1974, n.d.

Source: Oğraş, 2020

Bilal Agha Masjid is one of the most important historical monuments located in the Bilal Agha Foundation land that has survived to the present day. On 20 July 2021, the 200-year-old Bilal Agha Masjid, which was restored in Varosha and opened for worship again (Prime Minister Saner, 2021).

2.3. Transferring the Property Problem to the European Court of Human Rights (ECHR)

On 20 December 1989, 13 citizens of the RoC applied to the ECHR against Türkiye. Lordos and Others v. Turkey case has been opened. Thus, Varosha issue was brought to the ECHR, that is, to the jurisdiction.

There are 5 decisions taken by the ECHR regarding Varosha:

1. Lordos and others v. Turkey decision (Application no: 15973/90) (Lordos and others v. Turkey, 2012),
2. Zavou and others v. Turkey decision (Application no: 16654/90) (Zavou and others v. Turkey, 2010),
3. Epiphaniou and others v. Turkey decision (Application no: 19900/92) (Epiphaniou and others v. Turkey, 2010),
4. Hadjiprocopiou and others v. Turkey decision (Application no: 37395/97) (Hadjiprocopiou and others v. Turkey, 2010),
5. Xenides-Arestis v. Turkey decision (Application no: 46347/99) (Xenides-Arestis v. Turkey, 2006).

All of the 5 lawsuits filed in the ECHR Varosha have been concluded against Türkiye and Türkiye has been sentenced to pay compensation. In addition, K.V. Mediterranean Tours Limited case which is about Varosha case is still pending in the ECHR.

Even if it is not explicitly stated, the opinion that is at the base of the ECHR decisions is that Türkiye occupied the Varosha region in 1974 without justification, that the illegal Turkish Cypriot administration benefits from this tortious act. For this reason, the Greek Cypriots should be returned to their properties and all their losses should be compensated.

In the light of the ECHR decisions, three regulations have been made in the Turkish Cypriot administration regarding the right to property:

⁹Although it is claimed that Golden Sands Hotel is the first seven-star hotel in the World (Why is the city of Varosha in Cyprus closed?, 2019), it is stated on the website of J+A Philippou Architects and Engineers that it is a four-star hotel (Golden Sands Hotel Famagusta 1974, n.d.). Cyprus Tourism Organization also classifies the hotel as a four-star hotel. In addition, in 1974, there was not even a five-star hotel in Famagusta (Keshisian, 1985: 108). Following the Second Peace Operation, which took place a few months after its opening, the hotel was locked and closed for use, and nothing in it was touched. The hotel is still locked and guarded by armed guards (Gök, 2022, April 16).

1. Law 49/2003, Law for Compensation of Immovable Property (30 June 2003),
2. Law 67/2005, Law for the Compensation, Exchange and Restitution of Immovable Properties (22 December 2005),
3. Law 13/2008, Law for Transfer and Registration of Rights to Immovable Properties (Acapulco Law) (03 March 2008).

2.4. Establishment of the Immovable Property Commission (IPC) (2006)

As a result of the Cyprus v. Turkey decision of the ECHR, Law 49/2003 enacted on 30 June 2003 in order to prevent the Greek Cypriots from applying directly to the ECHR and to solve the property problem in the north of the island by means of exchange and compensation (Özersay, 2006: 325).

It has become a necessity to introduce a regulation that will respond to the demands of individuals who do not live in the Turkish Cypriot administration but claim that their rights have been violated and that will not contain legal loopholes. Pursuant to the decisions of the ECHR in Xenides-Arestis v. Turkey case on 22 December 2005, the IPC was established in the Turkish Cypriot administration, started to work on 17 March 2006, based on the Law 67/2005 (Immovable Property Commission, n.d.).

With the decision of Demopoulos and others v. Turkey case, (Demopoulos and others v. Turkey, 2010), IPC has been accepted as a legal mechanism that examines the property problems of immovable properties in the Turkish Cypriot administration before 1974 in terms of compensation, exchange and restitution claims, accepted as an effective domestic remedy by the ECHR and able to take binding decisions. Thus, Türkiye has had the opportunity to settle disputes before the ECHR by reconciliation.

An application can be made to the IPC for immovable properties in the Varosha region, which is not open to settlement. As of 22 June 2021, a total of 344 applications were made to the IPC regarding the immovable properties in the Varosha region, and since Varosha has the status of a military forbidden zone, the applications could not be decided. Most of the 344 applications belong to individuals and a small part of applications to companies. Most of the immovable properties subject to the application are houses, buildings and apartments, while the other part consists of land and fields, shops, hotels and factories. The applications made will be decided by the IPC. Greek Cypriots are actually recognizing the Turkish Cypriot administration sovereignty in Varosha with their applications (Eroğlu, 2021).

With the decision of the Council of Ministers of Turkish Cypriot administration dated 12 July 2021, the pilot area corresponding to 3.5% of Varosha was removed from the status of military forbidden zone. As of 30 November 2021, the number of applications regarding immovable properties in the Varosha region has reached 410 (President of IPC Veçhi, 2021). After completing the necessary examination, the IPC will decide on the applications of former residents and beneficiaries for the said region and grievances will be resolved.

Although it has shortcomings and its effectiveness has been tested, the IPC, in solving the immovable property problem in Varosha, is still only effective, a fair and international organization that is accepted by international law and its decisions are accepted. .

2.5. The United Nations Peacekeeping Force In Cyprus (UNFICYP) and Varosha

There is no clarity on which unit (Turkish Armed Forces or UNFICYP) first established its presence in Varosha, and when UNFICYP started to work in Varosha. In UNFICYP Force Enforcement Book, it is stated that the presence of UNFICYP in Varosha was established before the arrival of the Cyprus Turkish Peace Forces (CTPF) in Varosha in August 1974 (Military status quo of Varosha, 2001: 2-4-3).

However, the living witnesses of the Peace Operation make different explanations. An interview on 25 August 2021 was held with Prof. Dr. Ata Atun, participating Peace Operation as the Leader of Mücahit Platoon in the Famagusta region. In the interview, Ata Atun stated that Turkish soldiers came to Famagusta on 15 August 1974, that Greek Cypriots left the disputed region of Varosha on 15 August, that UNFICYP soldiers were not in Varosha, and that under his guidance, Turkish soldiers entered into Varosha, that he thought that the UN set up observation points in the disputed region of Varosha on 30 August 1974 upon a certain instruction, and that he had never seen UNFICYP in Varosha before 30 August 1974, that after 30 August 1974, Varosha was completely closed, that the UN had no influence on the closure of Varosha.

An interview on 07 April 2021 was held with Kazım Ant, participating Peace Operation as the Leader of the 1st Platoon. Kazım Ant stated that on 14 August, there were Greek Cypriot soldiers with heavy and anti-aircraft guns positioned above the high hotels in the Varosha region, that almost all of the Greek Cypriots who were in Varosha (very few elderly people remained in the region) left the region at noon on 15 August, and that Turkish soldiers entered into Varosha around at 10:00 on 16 August, That he was injured by a mortar shell that fell near him in the afternoon of 16 August. Turkish soldiers participating in the operation states that the units of 28th Division Command entered into Varosha on 16 August and took the region under control (Denizli, 2014: 425).

Although there is no clear information about when UNFICYP entered into Varosha, considering the statements of the live witnesses of the operation, it is thought that UNFICYP entered into closed off Varosha region on 30 August 1974. There is currently a few people, representing a team of the UNFICYP Sector-4 Command (Slovak contingent), and a small number of personnel of UNFICYP Police Force in the disputed part of Varosha (UN Documents S/2021/635 09 July 2021; UN, UNFICYP, 2022). The mission of UNFICYP is to serve as an observer in closed off Varosha and to ensure the continuation of the status quo (current situation) in the region (Abiç, 2020a: 66-67).

2.6. Varosha in UN Resolutions

Varosha issue came to the UN agenda following the Cyprus Peace Operation and started to take place on the agenda. Varosha issue has been on the agenda of the UNSC as a separate issue within the overall Cyprus issue since August 1977. Most important resolutions of UNSC are resolution 550 and 789. With resolution 550 dated 11 May 1984, any attempt to open up any part of Varosha to settlement other than its own inhabitants is considered unacceptable and calls are made to leave this area to the UN administration (UN Documents S/RES/550, 11 May 1984). With resolution 789 dated 25 November 1992, it is called for the expansion of the area under the control of UNFICYP to include Varosha (UN Documents S/RES/789, 25 November 1992).

2.7. Varosha in the UN-led Negotiations

Within the scope of the negotiations carried out under the leadership of the UN Secretary General (UNSG), from 1977 to the present, numerous and unbelievable proposals have been made for the former residents of Varosha to return to the Varosha region, within the framework of a comprehensive solution with the negotiations and comprehensive agreement, within the packages of confidence-building measures that have been discussed, and outside the solution framework. However, so far, all offers to return to the Varosha region have been rejected.

In the Greek newspaper, *Alihtia*, in news titled “10 missed opportunities regarding Varosha”, it has been stated that until today, 10 proposal to return to Varosha were offered to the Republic of Cyprus (RoC), but all of these proposals were rejected, and there is a definite risk of losing the city of Varosha under the current conditions (10 missed opportunities regarding Varosha, 2019).

Former Minister of Foreign Affairs of the RoC, Nikos Rolandis, in his book titled “glances in life and history”, expresses that 7 opportunities were lost due to the mistakes made by his own and past Greek Cypriot leaders in “taking back” of Varosha, and the biggest lost opportunity was not accepting 1978 Anglo-American-Canadian Resolution Plan (Rolandis: We lost 7 comeback opportunities, 2021)

Despite the efforts of the Turkish Cypriot administration for the solution of the Cyprus and Varosha issue in the ongoing negotiations between the Turkish and Greek Cypriot communities since 03 June 1968 under the leadership of the UNSG, a result and solution could not be reached as a result of the RoC’s desire to dominate the entire island. Varosha is a valuable issue for the domestic politics of the Greek Cypriot administration. Greek Cypriot politicians want Varosha issue to remain unsolved problem. When they are cornered in the Cyprus negotiation process, they use the Varosha issue to throw responsibility on the Turkish side. The interests of global and regional powers and some regional states, as well as the UN and the European Union (EU) in the region have also contributed to the unresolved Cyprus and Varosha issue and continue to do so. The decisive influence of the UN and the EU in the deadlock is great.

2.8. Varosha Opening

Considering the recent developments in the Eastern Mediterranean region, the changes in the policies of the Turkish Cypriot administration and Türkiye, and the regional policies of the countries, the opening of Varosha is politically appropriate as of the current situation. On 18 June 2019, the Council of Ministers of Turkish Cypriot administration decided to start an inventory study with a team of expert in the closed off Varosha region and took the first step towards the Varosha opening(The Council of Ministers takes steps, 2019).

There are two controversial issues that prevent the opening of the Varosha region: the management of the region and the ownership of immovable properties (Abiç and Esenyel, 2020: 13).

a.Management of the region: The only one who has a say in the dispositions to be made on Varosha is the Turkish Cypriot administration (Accepted by Türkiye as Turkish Republic of Northern Cyprus: TRNC), whose sovereignty over Varosha is undisputed. Varosha is located within the territory of the TRNC, controlled by the SFC and the right of disposition is also in the TRNC. In this context, it seems more logical to open Varosha under the Turkish Cypriot administration and its sovereignty.

b.Ownership of immovable properties:The residents of Varosha in 1974 and the CFA claim that they are the beneficiaries. Varosha region is foundation land. There are buildings built on the foundation land and within this scope, the buildings have different owners. The problem is also related to the ownership problem of these buildings. Resolution of the property problem should be considered on the basis of foundation lands respecting and observing international law, UN resolutions, the rights of former residents of Varosha and the CFA. The most appropriate method for human rights is to solve the property problem in Varosha with the will of the parties rather than the state authority. (Erginel, 2021: 86).

The aim of the Turkish Cypriot administration is to abolish the military forbidden zone status of the region and to resolve the property claims of the Greek Cypriots, including restitution, through the IPC established within the framework of the ECHR decisions (Regarding United Nations Security Council, 2022). In order to realise this aim, the Varosha opening process actually started on 08 October 2020. As of 06 July 2022, two phases have been completed in the Varosha opening process:

a. In the first phase, some public spaces and a part of the coastline which corresponds to 5.6% of the Varosha(Approximately 295,000 m²) were opened to the public on 08 October 2020 (Part of closed off Varosha opened, 2020). The area opened to public use in Varosha are shown in Figure 8 on the right of the figure.

b.The second phase started on 20 July 2021. A small pilot area selected, which corresponds to 3.5% of the Varosha (Approximately 175,000 m²), was transformed into civilian status (Tatar: “The opening of closed off Varosha”, 2021) by the Council of Ministers of Turkish Cypriot administration decision dated 12 July 2021. First of all, public spaces (Varosha Nation’s Garden) and foundation properties (Bilal Agha Masjid) were made available to the public (Prime Minister Saner, 2021). It is considered that this pilot area will be a model for the opening of the whole of Varosha.Pilot area turned into civilian status is seen as Figure 8¹⁰ on the left of the figure.

¹⁰ Source “Varosha satellite map” was used as a base.

Figure 8.Area opened to visitors and pilot area turned into civilian status



- : Area Opened to Visitors (5.6% of Varosha. Approximately 295,000 m²)
- : Pilot area transformed into civil status (3.5% of Varosha. Approximately 175,000 m²)

Source: Varosha satellite map, n.d.

c. In the second phase of the opening of Varosha, former residents and beneficiaries of Varosha will be able to apply to the IPC for restitution, exchange or compensation, The IPC will make its decision after completing the necessary examination and the properties will be returned according to the demand.

3. Research Methodology

The main reason for choosing the Varosha region as a study settings is that the Varosha issue, which is at the forefront of the agenda in today's media in Cyprus island, has not been resolved since 1977 and the lack of scientific studies on the subject. In this context, political solution proposals for the opening of Varosha will be presented in the article.

This article is a theoretical research and is based on the relevant literature. In the research, the closed off Varosha issue is discussed, the Varosha opening is analyzed politically, the Varosha opening is evaluated within the scope of different political solution proposals and it is aimed to determine the best political solution. In order to have information about the subject, all relevant literature was searched.

The research subject has been examined in terms of qualitative research techniques. Comprehensive information and data flow was provided by using the qualitative method. In order to shed light on history and to eliminate the risk of data loss, which may be critical for the study, interviews were conducted with live witnesses who participated in the Peace Operation and experts in the field. Detailed expert opinions, recommendations and comments on the subject were obtained through semi-structured interviews. Literature review and semi-structured interviews increased the validity and reliability of the research result.

4. Discussion

In this part, the closed off Varosha issue, which is the main subject of the article, has been analyzed politically, the possible scenarios for the opening of Varosha have been explained by counting, and the solution proposals for the opening of Varosha under the Turkish Cypriot administration have been evaluated.

4.1. Political Solution Proposals

RoC wants Varosha to be returned to its owners of 1974 under the auspices of the UN, and to be transferred to the political control of RoC (as RoC territory) after the reconstruction process, which will take approximately 10-15 years. The transfer of Varosha to the RoC will likely depend on a comprehensive political settlement of the Cyprus issue (Cyprus: six steps toward a settlement, 2011).

Although the former residents of Varosha did not return to their abandoned properties, they constantly demanded their property back for political, economic and other reasons. Leaving Türkiye and the Turkish Cypriot administration politically in a difficult situation in the international arena, earning financial gain in economic terms and the desire to take back their old properties can be counted as reasons in this context.

The UN's position on Varosha has been clearly explained mainly in resolutions 550 and 789. UNSC, with its resolution 550, wants Varosha to be opened up to its own inhabitants's settlement and calls for this area to be left to the UN administration (UN Documents S/RES/550, 11 May 1984). UNSC resolution 789 calls for the expansion of the region under UNSC control to include Varosha (UN Documents S/RES/789, 25 November 1992). However, Varosha is not included in the buffer zone.

Not a single bullet has been fired on the island since 1974, and not a single drop of blood has spilled. Considering that the duty of the UNFICYP is to observe and report, it is evaluated that this mission can be carried out with a civilian mission instead of a military mission, and in this context, there is no need for the presence of the UNFICYP on the island.

RoC signed exclusive economic zone agreements with Egypt, Lebanon and Israel in 2003, 2007 and 2010. In 2007, it announced 13 license areas in the south of the island of Cyprus (Başeren, 2010) and has been out for tender since 2011. By acting independently in this way, the RoC ignored the TRNC and the rights of the Turkish Cypriots. Such steps have prompted the Turkish Cypriot administration to take similar steps. The Varosha opening is one of such similar steps.

4.2. Possible Scenarios for the Opening of Varosha

Possible scenarios for the opening of Varosha can be listed as follows:

1. Giving Varosha completely to the Greek Cypriot administration,
2. Giving Varosha to the Greek Cypriot administration according to the terms of 20 July 1974,
3. Collective governance of the autonomous Varosha with Turkish Cypriot administration and Greek Cypriot administration together,
4. Division of Varosha into two, with one part remaining under the Turkish Cypriot administration, and the other part being given to the Greek Cypriot administration,
5. Opening of Varosha under UN administration by giving it a special status,
6. Opening of Varosha under Turkish Cypriot Administration and under the supervision of the UNFICYP (Abiç, 2020a: 163-164),
7. Opening of Varosha under the Turkish Cypriot administration,
8. Termination of the Varosha opening in exchange for the removal of some restrictions on the Turkish Cypriot administration.

4.2.1. Giving Varosha completely to the Greek Cypriot administration

It is an undiscussed topic. The national interests and interests of the states came to the fore as a result of the real politics that emerged after the World War II. This scenario can be considered in this context. When this scenario is implemented, Varosha will come out of the sovereignty of the Turkish Cypriot administration. With a new border gate to be opened in the Derinia village, the Varosha region can be left entirely to the RoC and its sovereignty. On the other hand, the RoC and external restrictions can be removed completely. The Greek Cypriot administration can accept the UN's recognition of the Turkish Cypriot administration as TRNC and end the objections of the TRNC to EU membership.

4.2.2. Giving Varosha to the Greek Cypriot administration according to the terms of 20 July 1974

Varosha can remain as a Turkish Cypriot region. Within the autonomous status, the Greek Cypriots can operate the region. In return, Ercan Airport could be opened to international flights and the port of Famagusta to international trade. All obstacles to the recognition of the Turkish Cypriot administration as TRNC and export restrictions can be removed.

4.2.3. Collective governance of the autonomous Varosha with Turkish Cypriot administration and Greek Cypriot administration together

As in the example of Andorra and Bosnia and Herzegovina (Brcko district), depending on the step that the Greek Cypriots will take at the table, an autonomous status may be established in the Varosha region and Varosha may be a region with a special status. A special governance status consisting of Turkish Cypriots and Greek Cypriots can be determined for Varosha. A development (urban transformation) plan can be prepared in consultation with the owners of the properties, and the area can be made usable by making preparations for the infrastructure. To cover the costs incurred, a bi-communal company can be established, the parties can put in capital or the EU can provide financial support. Subsequently, Varosha can be used as a tourism area.

When this scenario is implemented, the political sovereignty and territorial integrity of the Turkish Cypriot administration will begin to be questioned, and similar demands can be made for Maronite and Greek Cypriots living in other regions of the Turkish Cypriot administration.

4.2.4. Division of Varosha into two, with one part remaining under the Turkish Cypriot administration, and the other part being given to the Greek Cypriot administration

An intermediate formula and to find a middle way between the two parties in Varosha issue, the section, extending from the south of the Democracy Street to the UN buffer zone, can be given to the Greek Cypriot administration for resettlement. On the other hand, international restrictions on foreign trade, transportation, travel, cultural and sports activities against Turkish Cypriot administration can be lifted.

When this scenario is implemented, a part of the Turkish Cypriot administration territory will be given to the Greek Cypriot administration. On the other hand, restrictions originating from the Greek Cypriot administration and external restrictions will be removed completely.

4.2.5. Opening of Varosha under UN administration by giving it a special status

Based on this scenario, Varosha region will be handed over to the UN, and the UN will be responsible for the governance and control of Varosha. The UN will return the immovable properties to its residents of 1974, the area will be rebuilt within the framework of the development plan to be prepared and the area will be opened for resettlement. However, considering that the UN does not have sufficient economic and personnel power, it is evaluated that it is not possible to create a living space and necessary environment in the region. In addition, the reconstruction process will take approximately 10-15 years, and at the end of the process, the UN will probably hand over Varosha to the Greek Cypriot administration. In both cases, the Turkish Cypriot administration (TRNC) will lose Varosha region, which is within its borders, and its sovereignty over Varosha.

4.2.6. Opening of Varosha under Turkish Cypriot Administration and under the supervision of the UNFICYP (Abiç, 2020a: 163-164)

This scenario is considered to be more suitable than the first five alternatives. However, the supervision of the UNFICYP will cause the sovereignty and territorial integrity of the Turkish Cypriot administration (TRNC) to be questioned in Varosha.

4.2.7. Opening of Varosha under the Turkish Cypriot Administration

Taking account the explanation of Turkish and Turkish Cypriot officials, this scenario is the most appropriate course of action in favor of the Turkish Cypriot administration. It requires smart strategy, step-by-step and long-term implementation. Varosha is the Turkish Cypriot administration territory. The Turkish Cypriot government will make the decision regarding Varosha. The sovereignty and territorial integrity of the Turkish Cypriot administration will be definitively accepted in Varosha. It is thought that if the property problem is resolved on the basis of international law and the relevant resolutions of the UNSC, it will make a great economic contribution to the Turkish Cypriot administration and increase its prestige in the international arena.

4.2.8. Termination of the Varosha opening in exchange for the removal of some restrictions on the Turkish Cypriot Administration

With the start of the Varosha opening on 08 October 2020, approach of the Greek Cypriot administration towards the Varosha opening and its uncompromising attitude towards the solution of the Cyprus problem increased the reactions of the Varosha-origin Greek Cypriots to a higher level. The Greek Cypriots, the former residents of Varosha, accused the President of the RoC, Anastasiades, of not wanting to solve the Cyprus problem. In short, with the Varosha opening, the RoC has become questionable (To Anastasidis at the 'Varosha', 2021).

Within the scope of the second phase of the Varosha opening on 20 July 2021, the Greek Cypriot administration ultimately fell into a difficult situation in its own domestic policy. In order to get rid of the difficult situation and to send a message into the country, The Council of Ministers of the Greek Cypriot administration, decided to take back (cancel) or not renew their passports or not to issue passports of a total of 14 people, who are members of the Council of Ministers of TRNC and Maraş (Varosha) Initiative Committee and active in changing the status of Varosha (Greek Cypriot Council of Ministers's decision, 2021). President Tatar condemned the Greek Cypriot administration for its decision.

The Greek Cypriot administration tried to take measures and impose sanctions against Türkiye regarding the activities in the closed off Varosha at the EU Foreign Relations Council meeting on 13 December 2021, but it was unsuccessful (Anastasiadis's visit to Madrid, 2021). At the end of the meeting, the RoC was called on to act within the scope of confidence building measures.

Greek Cypriot leader Nikos Anastasiades wrote a 6-page letter to President of Turkish Cypriot administration Ersin Tatar on 19 May 2022, bringing up some of the confidence building measures package presented in the past regarding Varosha. Confidence building measures proposals were discussed in the past, but since they lost their importance at the current stage and were perceived as insincerity,

They were rejected by the Turkish Cypriot administration. It has been stated that the steps to create trust between the two parties can only be negotiated on the basis of new, creative and realistic proposals that will benefit both parties equally (Presidential statement; steps to build trust, 2022).

It is evaluated that the latest statements and determined stance of the Turkish Cypriot administration will force the Greek Cypriot administration to reconsider its ideas and views and to take different steps to stop the Varosha opening. It is considered that the Turkish Cypriot administration may decide to stop the Varosha opening, if certain restrictions on TRNC, such as the opening of Ercan Airport to international flights and port of the Famagusta to international trade, are lifted.

4.3.Solution proposals for the opening of Varosha under the Turkish Cypriot administration

Recent statements and activities have shown that Varosha will not be included in the negotiations as a territorial concession, that Varosha is under the Turkish Cypriot administration (TRNC) sovereignty and is Turkish Cypriot territory, that almost all of Varosha is foundation land. Based on above-mentioned, possible scenarios for the opening of Varosha under the Turkish Cypriot administration (TRNC) can be listed as follows:

1. The opening of Varosha through the CFA, by protecting or taking into account the rights of foundations,
2. The opening of Varosha through the Immovable Property Commission (IPC)
3. Making lease contract agreement between the CFA and applicant,
4. Restituting, exchanging or compensating of the property to the applicant, giving the equivalent of the property from the empty public land of the Turkish Cypriot administration to the CFA.

4.3.1. The opening of Varosha through the Cyprus Foundations Administration (CFA), by protecting or taking into account the rights of foundations

This scenario is the most ideal course of action in favor of the Turkish Cypriot administration. Varosha has been under the ownership of Ottoman foundations since the 16th century. Varosha can be given to the CFA with a political or judicial decision. Foundation properties will be returned to the CFA and title deeds will be issued on behalf of the foundations. The property will not be returned to the applicant and no compensation will be paid.

This scenario is not in line with the ECHR and international law. It seems difficult for the international community to accept this decision. Many lawsuits against the ECHR can be filed and claims for compensation can be made. It is thought that the UN will not have a positive reaction to this decision. The RoC will oppose the declaration of Varosha as TRNC territory.

4.3.2. The opening of Varosha through the Immovable Property Commission (IPC)

This scenario is the most ideal course of action in favor of the former residents and also the Greek Cypriot administration. Between 2019-2023, high-level statements were made and steps were taken by Turkish and Turkish Cypriot authorities supporting this idea. Applicants will begin to live by returning their property. This scenario is also in line with the ECHR and international law. It is not expected that the UN will have a negative reaction to this decision. Since the IPC will be based on the title deeds of 1974, it does not seem possible to protect or observe the rights of foundations and the CFA. However, the Greek Cypriot administration will oppose this scenario.

4.3.3. Making lease contract agreement between the CFA and applicant

In this scenario, the applicant will apply to the IPC, and the Commission will make its decision after completing the necessary examination. Since the land is the foundation land and the ownership of the building on the land belongs to the applicant, the solution of the problem can be solved by making a lease contract between the CFA and the applicant. The lease contract will be made for a small amount. As a result, it will be accepted that the land is the foundation property and the building on the land is the property of the applicant. Since the rights of both parties are protected, the problem will be solved. The property will be returned to the applicant in a short time and he will begin to live under the sovereignty of the Turkish Cypriot administration.

If the two parties agree, this scenario is also compatible with the ECHR and international law. It is not expected that the UN will have a negative reaction to this decision. Obstacles may be encountered in the implementation of this scenario. If the applicant does not want to make a lease contract, additional legal processes may be required. In addition, the Greek Cypriot administration will oppose this scenario.

4. Restituting, exchanging or compensating of the property to the applicant, giving the equivalent of the property from the empty public land of the Turkish Cypriot administration to the CFA

In this scenario, the applicant will apply to the IPC, and the Commission will make its decision after completing the necessary examination. The property can be returned to the applicant, exchange or compensation options can also be applied. Since the land is the property of foundations, the equivalent land from the empty public lands of the Turkish Cypriot administration will be transferred to the ownership of the CFA. Since the right of the applicant is fully protected and the rights of foundations are protected to some extent, the problem will be solved. The property will be returned in a short time and the applicant will begin to live under the sovereignty of the Turkish Cypriot administration.

If the two parties agree, this scenario is also compatible with the ECHR and international law. It is not thought that the UN will have a negative reaction to this decision. However, the Greek Cypriot administration will also oppose this scenario. In this scenario, gain of the Turkish Cypriot administration will be very little. Because the foundation lands in the Varosha will be transferred from the ownership of the foundations to the ownership of the applicants and the loss of use of property will be paid, and the empty public lands of the Turkish Cypriot administration will be given to the CFA.

When possible scenarios for the opening of Varosha under the Turkish Cypriot administration (TRNC), the opening of Varosha will be the most appropriate, legal and acceptable course of action after the property problem is resolved with the help of the IPC after the military forbidden zone status of the region is abolished, When Varosha opens, the infrastructure support of the region will be covered by the Turkish Cypriot government, and the superstructure support by the immovable property owners. In this context, the Turkish Cypriot government will need to put forward a new vision.

The completely opening of Varosha will contribute significantly to the economy of Turkish Cypriot administration, increase the tourism income of the city of the Famagusta, will be a brand value, an international attraction, popular entertainment and tourism paradise in the island of Cyprus and the Mediterranean region and will turn out to be the main touristic destination that can host more than one million tourists annually with a capacity of 10 thousand beds. In 5 years, it is estimated that an investment of 8-10 billion US dollar will be made in the construction sector for the restoration of the Varosha (Torlak, 2016: 247) and it is foreseen that the gross national product of the Turkish Cypriot administration will grow by 20% (CTTO's draft medium-term program, 2021).

5. Conclusions

The Varosha issue has been on the agenda of the UNSC since August 1977 as a separate issue within the overall Cyprus issue. The Turkish Cypriot side made a proposal to the UNSG about Varosha for the first time in 1978 as a measure of goodwill (Uluçevik, 2020: 395). The issue of opening of Varosha for settlement came to the fore in the confidence building measures package for the first time on 01 July 1993 by the UNSG (UN Documents S/26026, 1 July 1993).

Although the Turkish Cypriot side wanted to open Varosha in the years after the Cyprus Peace Operation, this unilateral opening was prevented by the UNSC resolutions. When it was understood as a result of the 2017 Crans-Montana negotiations that there would be no comprehensive solution, the Turkish Cypriot administration started to take realistic steps.

There is no need for the region to be placed under UN control. When the Greek Cypriot residents solve the property problem through the IPC established by the ECHR judgment, the political UNSC resolutions will no longer be valid against international judicial decisions.

Varosha is not located in the buffer zone under the responsibility of the UNFICYP. When Varosha is opened, governance and control task should be fulfilled by the Turkish Cypriot government. The security and safety of the region should continue to be ensured by the relevant units of the Turkish Cypriot administration.

As soon as possible, the necessary steps should be taken and the property problem should be resolved by IPC, and Varosha should be opened to settlement under the Turkish Cypriot administration. It is thought that the resettlement of the region is a way to the economic progress of the TRNC, to the solution of the Cyprus issue and to the recognition of the TRNC as an equal and independent state¹¹.

Most probable, for the movables in Varosha, that is, about 400 unopened steel safes (Hastürer, 2020) “safe opening in Varosha” should be done. The safes must be opened and the contents returned to the applicants.

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¹¹It was expressed by Prof.Dr. Hüseyin Işıksal in the interview held on August 23, 2021.

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