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The Turkish Republic of Northern Cyprus as an Example of a Non-Recognized State

#### ABSTRACT

The issue of Cyprus remains one of the longest unregulated international disputes. For nearly half a century of the island's *de facto* division, it has been one of the factors destabilizing the situation in the eastern Mediterranean. It has periodically led to tensions, not only between members of the two Cypriot communities, the Greek and Turkish Cypriots, but also between Greece and Turkey, and finally, Turkey and the European Union. The purpose of this article was to present the Turkish Republic of Northern Cyprus as an example of a so-called unrecognized state and to assign it to an appropriate type of unrecognized states. The selected case was examined on the basis of the attributes of an unrecognized state, formulated by a leading researcher of this issue, Nina Caspersen, and a selected typology of unrecognized states.

KEYWORDS: unrecognized state, Cyprus, Turkish Republic of Northern Cyprus, TRNC, Greek Cypriots, Turkish Cypriots

#### STRESZCZENIE

Turecka Republika Cypru Północnego jako przykład państwa nieuznawanego

Kwestia cypryjska pozostaje jednym z najdłużej nieuregulowanych sporów międzynarodowych. Od blisko pół wieku faktyczny podział wyspy jest jednym z czynników destabilizujących sytuację w regionie wschodniego Morza Śródziemnego. Okresowo doprowadza do napięć nie tylko pomiędzy członkami obu cypryjskich społeczności, Grekami cypryjskimi i Turkami cypryjskimi, ale także między Grecją i Turcją oraz Turcją i Unią Europejską. Celem niniejszego artykułu jest przedstawienie Tureckiej Republiki Cypru Północnego jako przykładu tak zwanego państwa nieuznawanego oraz przypisanie jej do właściwego typu państw nieuznawanych. Wybrany przypadek został

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przeanalizowany na podstawie atrybutów państwa nieuznawanego, sformułowanych przez czołową badaczkę tego zagadnienia Ninę Caspersen oraz wybranej typologii państw nieuznawanych.

SŁOWA KLUCZE: państwo nieuznawane, Cypr, Turecka Republika Cypru Północnego, TRPC, Grecy cypryjscy, Turcy cypryjscy

### Introduction

The Cyprus conflict has influenced the level of security in the eastern Mediterranean since the establishment of the independent Republic of Cyprus in 1960. Many studies have been published on this issue, also in Polish (Adamczyk, 2002; Osiewicz, 2008, 2013; Misztal, 2013). The tensions between members of the two communities of Cyprus, the Greek Cypriots and Turkish Cypriots, intensified as a result of constitutional disputes and numerous incidents. The highlight was 1974. The failed coup, carried out by far-right groups of Greek Cypriots, supported by the Greek Regime of the Colonels, was used by the Republic of Turkey as an excuse to carry out military intervention on the island. As a result, Cyprus has been divided, and members of both communities were forced to relocate to areas controlled by their administration, the Greek Cypriots to the south, while the Turkish Cypriots to the north occupied by the Turkish armed forces. The failure of successive rounds of negotiations led to the consolidation of the actual division of the island with regard to ethnic criteria and the unilateral decision of the representatives of the Turkish Cypriot community to establish their own state. As a result, on 15 November 1983, the Turkish Republic of Northern Cyprus, TRNC, was proclaimed. However, despite diplomatic efforts supported by the Republic of Turkey, the Turkish Cypriot State has not received the recognition from the international community. After nearly 40 years, the only Member State of the UN which has recognized the TRNC remains Turkey.

The purpose of this article was to present the Turkish Republic of Northern Cyprus as an example of a so-called unrecognized state and assigning it to an appropriate type of unrecognized states. For this purpose, the category of a unrecognized country is presented, with particular emphasis on the attributes that such an entity should have and the selected typology of unrecognized countries. Then the case of the Turkish Republic of Northern Cyprus was analyzed on this basis.

The basis of the research was a qualitative analysis of sources. Among them documents of international law, internal acts, monographs and scientific articles were selected.

## Unrecognized country: definitions and selected typology

The sources of problems with classifying some entities as states are the differences in the approach to the recognition of international law. According to Jacek Barcik and Tomasz Srogosz, "recognition thereof is a unilateral act by which the recognizing entity—a state or international organization—identifies the existence of certain facts and grants them certain legal consequences [...] In a narrower sense, this institution is limited to the recognition of the state, government, territorial changes, the warring party and the nation in the struggle for independence, which most often become the subject of recognition" (Barcik & Srogosz, 2017, p. 203).

The public international law is dominated by two approaches: declarative and constitutive. The declarative approach assumes the existence of an entity that does not depend on an act of recognition. On the other hand, in constitutive terms, it is stressed that a country cannot exist without an act of recognition from other countries (Góralczyk & Sawicki, 2001, p. 150). Mikulas Fabry pointed to the fact that the process of recognizing an entity as a state, or counteracting such a process is often coordinated under the auspices of a major international organization, for example, the League of Nations or the United Nations. The UN has the possibility to impose binding decisions on its members prohibiting the recognition of an entity (Fabry, 2010, p. 8). They can take the form of resolutions adopted by the UN Security Council.

With regard to unrecognized states, other terms are also used. Charles King listed with a number of terms in used. Among them, apart from unrecognized states, the following should be noted: *de facto* states, *de facto* countries, independent statelike entities, unrecognized regimes, and separatist states (King, 2001). Some researchers also use the term informal states (Isachenko, 2012).

Another name used is contested states. George Kyris listed features of such entities. Among them there were the following:

- lack of recognition on the part of a substantial part or the whole of the international community;
- actual isolation of a particular entity in the international arena;
- strong dependence on a patron-state;
- lack of efficient and well-organized state structures;
- lack of effective control over the territory over which the contested state declares supremacy;
- significant effect of a regional dispute on internal policies (Kyris, 2015, p. 20–21).

In a similar way, one can specify a directory of attributes which an entity must have so that it can be classified as an unrecognized state. In

the opinion of Nina Caspersen, an entity may be referred to as the unrecognized state if it meets the following conditions:

- it has gained factual independence;
- its executives have formally declared independence;
- its leaders are trying to further expand the competent institutions of countries to gain legitimacy;
- governing bodies have made efforts on obtaining international recognition, but they did not receive it, or received it only from the state-patron and possibly several other countries;
- it has existed for at least two years (Caspersen, 2012, p. 6).

By separating a group of unrecognized countries, one can divide them and create a typology based on the selected criterion. One of them may be the very criterion of recognition. These entities can be divided into those that have not been recognized by any country enjoying widespread recognition (unrecognized states) and those that have been recognized by at least one such state (partially recognized states). Examples of such states include Abkhazia, South Ossetia, Taiwan and Kosovo (Caspersen & Stansfield, 2011, p. 3). Until March 2020, Kosovo was recognized by 115 entities. Abkhazia has been recognized by five entities, including Syria, the Russian Federation and Venezuela. These same countries have recognized the independence of South Ossetia. In turn, the Republic of China on Taiwan has diplomatic relations with 14 UN member states. According to the policy of "One China," the aforementioned states do not maintain relations with the Peoples Republic of China. Partially recognized states are also sometimes referred to as states with limited recognition.

# The origin and the circumstances of the establishment of the Turkish Republic of Northern Cyprus

The Republic of Cyprus was established in 1960. This event ended the period of British colonial sovereignty. The independent state, managed by representatives of both Cypriot communities, was an expression of compromise between the solution proposed by the Greek side—the reunification of the island with Greece (*enosis*) and the solution suggested by Turkey—the division of the island between Greece and Turkey (*taksim*). The United Kingdom of Great Britain and Northern Ireland, Greece and Turkey became guarantors of the constitutional order on the island. In addition, both Greeks and Turks could hold small contingents of their armed forces in Cyprus. Thus, on the basis of the Treaty of Alliance, the Greeks deployed 950, and Turks 650 soldiers on the island (Faustmann, 2009, p. 56).

However, in the early years of the young state, the first constitutional disputes emerged that led to the outbreak of ethnic unrest in 1963. One of the consequences of those events was the resignation of representatives of the Turkish Cypriot community from their positions in the state administration. Since then, only representatives of the Greek community have managed the island in practice. In addition, the first cases of ethnic segregation took place. The majority of Turkish Cypriots inhabited either selected areas of larger cities, or rural enclaves to which there was restricted and controlled access. These phenomena only exacerbated the mutual distrust between Greek and Turkish Cypriots, also further fueling by the tension in the Greek Turkish relations. Both Greece and Turkey treated Cyprus instrumentally and have used it for their own purposes.

Since after the war in the summer of 1974, Cyprus has been *de facto* divided into two zones. As a result of the conflict, mass migrations of members of both Cypriot communities too place both during the warfare and after its completion. The population replacement led to the division of the island on the basis of ethnic criteria. In practice, since the 1970s, the southern part of Cyprus has been controlled and operated by the Greek Cypriot community, while the North one by Turkish Cypriots.

In the light of international law, the only entity holding a general recognition of the international community is the Republic of Cyprus. Formally, it is still functioning in the framework laid down by the Constitution in 1960. On its basis, the state should be co-administered by members of both communities, but the events of the 1960s and 1970s meant that, in practice, the Republic of Cyprus is administered only by representatives of the Greek Cypriot community.

After 1983, representatives of both parties conducted several rounds of negotiations, which assumed, among others, the unification of the island. Thus, TRCP would cease to exist as a state. In 2004, both communities were the closest to a peaceful end to the dispute and to the unification of the island (Crawford, 2006, p. 244). The peace plan negotiated by representatives of both communities and prepared under the auspices of the UN Secretary General, Kofi Annan, provided for the establishment of a United Republic of Cyprus, a federal state in which the two countries would come into as its components (Dodd, 2010, p. 223-254; Michael, 2011, pp. 145–190; Ker-Lindsay, 2015). Thus, after minor territorial adjustments, the Greek Cypriot community would continue to administer the territory, which is now under the effective control of the Republic of Cyprus. In turn, the Turkish Cypriots would still control areas that are part of the TRCP unrecognized by the international community. Annan's plan was to be approved by a referendum before the accession of Cyprus to the European Union. Although it was accepted by the Turkish

Cypriots, most Greek Cypriots rejected it. As a consequence, the Cypriot issue remains unsettled, and the question of soliciting international recognition of statehood of the Turkish Republic of Northern Cyprus has remained open. According Klejda Mulaj, after the failure of the Annan plan, both the EU and the UN indirectly support the continued operation of the TRCP by a range of solutions beneficial for the Turkish Cypriots, and which are a kind of reward for the support of the peace plan in the referendum (Mulaj, 2011, p. 48).

#### TRCP as an unrecognized state

Using the criteria that characterize a unrecognized state, formulated by Nina Caspersen, it can be verified whether the Turkish Republic of Northern Cyprus can be classified as a unrecognized state.

#### Factual independence

Governing bodies of the Turkish Republic of Northern Cyprus, its successive governments and presidents, have undertaken a number of activities aimed at securing and consolidating the actual independence. However, their high dependence on political and financial support from Turkey should be noted. TRCP would not be able to function smoothly without an annual, substantial transfer of funds from Turkey, although some researchers argue that the economy of the Turkish Cypriot state is so well developed, that under certain conditions it could function without the aid (Mehmet, 2010, p. 10–12).

The support from Turkey has also become indispensable to mitigate the negative social and economic effects of the COVID-19 pandemic. In May 2020, the Turkish government decided to grant financial assistance to TRCP in the amount of USD 325 million (*Turkey to give*, 2020). Although this type of action may be considered legitimate and commendable from a humanitarian point of view, it may at the same time raise a number of doubts and constitute an important additional argument for those who point out the TRCP authorities' dependence on Turkish aid and the lack of factual sovereignty of the Turkish Cypriot state.

At the same time, the cultural and moral differences between the Turkish Cypriots and Turks are worthy of mention. Turkey's domination is not seen well by the Cypriot community and the political relations are often strained. According to some authors, the Turkish Cypriots often consider themselves victims of the Turkish military intervention of 1974 (Vural, Sonan & Michael, 2018, p. 83). In the past, there were also tensions in personal relationships between the leaders of Turkey and TRCP. An example is the difference of opinions between the Turkish President Recep Tayyip Erdoğan and President of the TRCP, Mustafa Akıncı (Harding, 2020). The Turkish Cypriot leader, for example, openly criticized the Turkish military intervention in Syria, and also described the possibility of the annexation of Northern Cyprus by Turkey as "a terrible prospect" (Cengiz, 2020).

# A formal declaration of independence and constant development of the institution of the state

The creation of the TRCP was preceded by the proclamation of the Turkish Federated State of Cyprus on 13 February 1975. According to the declarations of the Turkish side, the creation of the FPTRC was not aimed at creating a separate Turkish Cypriot state, but only an entity which in the future, if the bilateral negotiations were successful, was to become one of the parts of the federal state of Cyprus (Shaw, 2000, p. 146). Thus, the Turkish Cypriot community, supported by Ankara, sought to transform the Republic of Cyprus from a unitary state into a federation, at least on a declarative level.

On 15 November, 1983, the Turkish Republic of Northern Cyprus was proclaimed. According to the representatives of the Turkish Cypriot community, it was a response to the lack of progress in bilateral negotiations and the Greek Cypriot intransigence (North Cyprus, 1987, p. 23). Some Turkish researchers maintained that two sovereign states could exist in parallel in Cyprus, just like the two Koreas and the two German states which functioned at the time (Tamkoç, 1988, p. 107-110). In turn, representatives of the Greek community emphasized that the decision of the Turkish Cypriots constituted a violation of international law and appealed to the international community not to recognize the self-proclaimed state (Mallinson, 2010, p. 2). At the same time, they have made efforts for the UN Security Council to make a decision on this issue. The Council adopted a relevant resolution only three days later. Members of the UN Security Council, in the Resolution No. 541/1983 condemned the decision of the Turkish Cypriot leadership, recognized it as legally non-binding and called on all UN member states not to recognize any Cypriot state other than the Republic of Cyprus (Resolution 541, 1983). As a result, two countries which had formally recognized TRCP almost immediately-Pakistan and Bangladesh—withdrew their recognition.

Starting in 1975, the Turkish Cypriot community has been constantly developing and reforming its public administration. In 1985, the citizens

of the unrecognized TRCP approved the text of the state constitution by referendum. It precisely defines the competences of the various state bodies, with particular emphasis on the President of the Republic, the government and parliament (Ekici, 2019, pp. 60–67). In addition, the TRCP organizes presidential, parliamentary and local government elections, respecting the principles of universality, equality, secrecy and directness. The country has many registered political parties. Thus, the citizens of the unrecognized state have a real influence on the staffing of key administrative positions on top of internal and external policies.

Various public institutions meet the needs and expectations of citizens. It is not possible to assess their effectiveness without carrying out reliable and extensive opinion polls, but it should be noted that their activities include the activities of similar institutions in widely recognized countries. Thus, TRCP residents have access to basic medical care, education and various other services. In addition, there are many universities in Northern Cyprus, including those whose activities are largely financed from the state budget, such as the largest university, the Eastern Mediterranean University (tur. *Doğu Akdeniz Üniversitesi*). TRCP even maintained their own airline (tur. *Kıbrıs Türk Hava Yolları*) in 1974–2010.

# Actions taken in order to obtain international recognition

Representatives of the TRCP have attempted to obtain international recognition of their statehood. The first president and leader of the Turkish Cypriot community, Rauf Denktaş, carried out a number of activities to obtain TRPC recognition. However, despite the involvement of many forces and means, the TRCP has been formally recognized only by the Republic of Turkey. At the same time, Turkey continues to act as the patron-state for Northern Cyprus (Caspersen, 2011, p. 82).

The European Union does not recognize the statehood of the TRCP, while emphasizing recognition for the authorities of the Republic of Cyprus, which is an EU member. On the basis of Protocol 10 to the Treaty of Accession of 23 September 2003, the EU suspended the application of the acquis in the areas outside the effective control of the Republic of Cyprus authorities. At the same time, it is stipulated that in the event of a solution being found, the Council, acting unanimously on a proposal from the Commission, shall decide on adjustments to the terms relating to the accession of Cyprus to the European Union with regard to the Turkish Cypriot Community (*Protocol*, 2003). Despite the lack of agreement and settlement of the Cyprus question, it is important that the Turkish

Cypriot community receives regular funding from the European Commission. The legal basis is Council Regulation No. 389/2006 of 27 February 2006 (*Council Regulation*, 2006). Only in the years 2006–2018, the EU provided more than 520 million Euros to support various initiatives to aid the economic and social development of the Turkish Cypriot community (*Aid Programme*, 2020).

# Duration of functioning

In practice, the Turkish Republic of Northern Cyprus has been continuously operating since 1983. The duration of the Turkish Cypriot state thus exceeds the minimum period indicated by Nina Caspersen—two years. The lack of success of the subsequent rounds of negotiations between representatives of Greek Cypriots and Turkish Cypriots dismissed the possibility of regulating the Cyprus question. All the plans presented so far did not assume a possibility of further functioning of the TRCP as a sovereign state, but a transformation of Cyprus into a federation. In the past, the Turkish party suggested a confederacy, but it was and still is not acceptable for the Greek side. Thus, the longer no agreement is reached between the parties, the more the existence of an unrecognized state in the northern part of Cyprus remains non-threatened.

### Conclusions

The Turkish Republic of Northern Cyprus fulfills the criteria to be classified as a unrecognized country. The TRCP gained a *de facto* independence and its representatives also announced formal independence in 1983 and made efforts to obtain international recognition. Moreover, in the Turkish Cypriot state, public institutions are constantly developed and expanded, whose activities contribute to safeguarding the interests and meeting the basic needs of citizens. TRCP has continuously operated for 37 years.

The state of the Turkish Cypriot community can be classified as a partially recognized one, although the TRCP was formally recognized only by the Republic of Turkey. The lack of greater recognition from the international community determines the role of the Turkish Cypriot community in the international system. The unregulated Cyprus issue and the still existing *de facto* division of the island prevent, for example, progress in Turkey's membership negotiations with the European Union. This greatly complicates the relationship between Greece and Turkey. The lack of progress in the peace negotiations and the failure of the existing peace plans prepared under the auspices of the United Nations have affected the continued existence and functioning of the Turkish Republic of Northern Cyprus. All the previous proposals envisaged the transformation of the Republic of Cyprus into a federal state in which the current Turkish Cypriot state would be part of. The longer the Cyprus issue remains unsettled, the more the *de facto* division of the island and the legal nature of the TRCP will solidify. In February 2020, President of the TRCP, Mustafa Akıncı, warned the international community and the Greek party, that the lack of consent on the transformation of Cyprus into a federation state would lead to a permanent division of the island into two countries (Harding, 2020). The current political power structure in Cyprus allows us to conclude that the Turkish Republic of Northern Cyprus will continue function in its current form, despite the lack of formal recognition of its statehood.

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