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**CYPRUS 1974 REVISITED:
WAS IT HUMANITARIAN INTERVENTION?**

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Abstract

The aftermath of the Cold War has been marked by the outbreak of various ethnic conflicts necessitating humanitarian intervention, in such countries as in Somalia, Rwanda, Bosnia, or Kosovo. These cases have triggered an international debate on humanitarian intervention which, in turn, has led to new attempts of conceptualization. In the light of criteria developed since then, in order to determine whether an intervention is of humanitarian order, this paper looks back at the 1974 Turkish intervention in Cyprus and contends that most of the aforementioned criteria are indeed fulfilled by the Peace Operation undertaken on 20 July 1974. The latter can therefore be categorized as a “hybrid” humanitarian intervention, incorporating political as well as humanitarian concerns.

Keywords

Humanitarian, Fundamental Rights, Intervention, Sovereignty, Use of Force, Just War.

Introduction

Humanitarian intervention is defined as the threat or use of force across state borders by a state (or group of states) aimed at preventing or ending

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widespread and grave violations of the fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied.¹ This is a controversial issue by definition since it illustrates the dilemma between the impulse to use force against gross and systematic violations of human rights and the desire of most states to preserve national sovereignty at any cost. In the words of Kofi Annan, Secretary General of the U.N., the inability of the international community to reconcile these two compelling interests can be viewed as a tragedy.² We have witnessed this tragedy unfold more and more frequently since the end of the Cold War which, in itself, has been crucial in transforming the concept of humanitarian intervention into practice.

No longer neutralized by bloc politics, the U.N. Security Council has, for the first time, legitimized an international intervention on humanitarian grounds in 1991, through resolution 688 aimed at protecting the Kurds of Iraq from the ire of Saddam Hussein, in the wake of the Gulf War. This was followed by the crisis in Somalia, the genocide in Rwanda, and the cases of Bosnia and Kosovo.

Prior to these cases of “direct” humanitarian intervention, certain military interventions throughout the Cold War years indirectly had humanitarian implications, although this was neither invoked by the intervenors, nor recognized by the international community as such. Today, in the light of the international debate on humanitarian intervention that has led to new attempts of conceptualization, scholars contend that India’s intervention in East Pakistan in 1971, Vietnam’s intervention in Cambodia in 1979, and Tanzania’s use of force against Uganda in the same year, are examples of what might be called “indirect” humanitarian intervention, where the intention was not humanitarian but in the end, the consequence was.³

¹ J.L. Holzgrefe, “The Humanitarian Intervention Debate”, in J.L. Holzgrefe and Robert O. Keohane (eds.), *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*, (Cambridge: Cambridge University Press, 2003), p. 18.

² Kofi A. Annan, “Two Concepts of Sovereignty”, *The Economist*, 18 September 1999.

³ These are examples given by Nicholas J. Wheeler in *Saving Strangers: Humanitarian Intervention in International Society*, (New York: Oxford University Press, 2000).

This paper looks back at the 1974 Turkish intervention in Cyprus and attempts to evaluate whether it can as well be considered a humanitarian intervention in the light of criteria developed since then in order to determine whether an intervention can/should be categorized as humanitarian intervention. However, a brief overview of the conceptual development that has led to the elaboration of the aforementioned criteria seems necessary before tackling the Cyprus issue.

From “Just War” To The “Responsibility To Protect”

The concept of humanitarian intervention is not new in itself. The issue was first raised by the Christian theologians in the 16th century, through the idea of Just War. In attempting to determine the criteria for such a war, Francisco de Vitoria and the jesuit Francisco Suarez have provided the very first guidelines of a legitimate intervention: to end an unfair situation, to pursue just objectives, and to conduct the intervention through a legitimate authority.⁴

Discussing state sovereignty in his opus magnum, *De jure belli ac pacis*, Hugo Grotius wrote in 1625, “However, the rights of human society should not be excluded for all that, when oppression is obvious”.⁵ The 18th century Swiss-born Prussian diplomat Emmerich de Vattel recognized, in his treatise published in 1758, that every foreign power had the right to support an oppressed people asking for its help.

It is on such bases that the first doctrine of humanitarian assistance was elaborated in the 19th century: “When a government, while acting within the limits of its right to sovereignty, violates the rights of humanity...by excess of cruelty and injustice which profoundly hurt our moral standards and civilization, the right to intervention is legitimate”.⁶ The concept was

⁴ Philippe Moreau Defarges, “Souveraineté et ingérence”, *RAMSES 2001*, (Paris:IFRI, 2001), p. 177.

⁵ Cited by Olivier Corten and Pierre Klein in *Droit d'ingérence ou obligation de réaction*, (Bruxelles: éditions Bruylant, 1996), p. 1.

⁶ Gustave Rolin Jacquemyns, “Note sur la théorie du droit d'intervention”, *Revue de Droit International et de Législation Comparée*, 1876, p. 673, cited in *ibid.*, p. 2.

defined as the protection and removal of real or potential victims from massive and systematic violations of their right to life or, in case the state has withered away, the interposition between opposing factions.⁷ The main difference between humanitarian assistance and the more recent concept of humanitarian intervention is that the latter implies military support in favor of this assistance. However, the difference remains tenuous since it is never clear when protection might necessitate hostile contact with the forces of the violator. Hence, in modern times, humanitarian assistance has traditionally served as the justification of humanitarian intervention.

The modern concept of humanitarian intervention was fathered by the French doctor Bernard Kouchner, who launched a crusade in favor of what was to become known as “le droit d’ingérence”, upon his return from Africa in 1967 after witnessing the atrocities perpetrated against the minority Ibos by Nigerian troops during the civil war over the secession of Biafra from Nigeria. International Red Cross teams bringing the Ibos humanitarian aid had also become the target of attacks, which made Kouchner realize that impartial humanitarian aid was no solution. He continued his crusade by founding Médecins sans Frontières (Doctors without Borders), a worldwide medical/humanitarian NGO, as well as a highly mediatized campaign in favor of humanitarian intervention which culminated in 1987 by an international colloquium in Paris, on humanitarian law and ethics. François Mitterrand, then President of the French Republic, extended his support without reserve: “The first human right is the right to life, and the first duty is assistance to a person- or population- in danger”.⁸ During the debates, Mitterrand stressed the fact that not only the NGOs, but the state, international organizations and individuals should be bound by this commitment. Two years later, at the C.S.C.E Paris Summit, he would pronounce his now-famous sentence: “The obligation of non-interference stops where the risk of non-assistance begins”.⁹

⁷ Emmanuel Spiry, “Interventions humanitaires et interventions d’humanité: la pratique française face au droit international”, *Revue Générale de Droit International Public*, 1988-2, p. 420.

⁸ Cited by Emmanuel Spiry, *op.cit.*, p. 416.

⁹ *Ibid.*,

The reflection launched by the French authorities upon an eventual duty of intervention coincided with the end of the Cold War, which released political forces that would lead to various regional conflicts requiring humanitarian intervention. In the meantime, the U.N. General Assembly had adopted the first resolution on the matter, with the initiative of the French government. Resolution 43/131 of 8 December 1988 stated that in cases of emergency when a state is unable to assist its population, other states and/or humanitarian organizations would be allowed to do so without hindrance. This resolution was a turning point in the long history of humanitarian intervention and constituted its first step towards international legitimacy.

A second step, again with French support, came in 1990 when the U.N. General Assembly passed Resolution 45/100, allowing the opening of “humanitarian corridors” across battlefields in order to bring assistance to civilians.

As to Security Council Resolution 688 of 5 April 1991, adopted in the wake of the Gulf War to protect the Kurdish population of Iraq against Saddam’s repression, it did not authorize military intervention but it was the first time that the Council “demanded” the improvement of human rights in a member state as a contribution to the promotion of international security.¹⁰ By defining Iraq’s repression as a threat to international security, the door was open to move to military-enforcement action.¹¹ Resolution 688 has marked the conciliation, for the first time within the context of humanitarian intervention, of international law and political action. Since then, more than 200 similar resolutions have been passed by either the General Assembly or the Security Council.¹²

¹⁰ N.S. Rodley, “Collective Intervention to Protect Human Rights” in N.S. Rodley (ed.), *To Loose the Bands of Wickedness*, (London: Brassey’s, 1992), p. 32.

¹¹ Nicholas Wheeler, *op.cit.*, p. 146.

¹² Bernard Kouchner, *Les Guerriers de la Paix*, (Paris:Grasset, 2004), p. 462.

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Following a decade of humanitarian crises that devastated the Balkans and Africa, Secretary General Kofi Annan posed a fundamental question at the U.N. General Assembly in 1999:¹³

...if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that affect every precept of our common humanity?

It was in response to this challenge that the Government of Canada, together with a group of major foundations, announced at the General Assembly in September 2000 the establishment of the International Commission on Intervention and State Sovereignty (ICISS). The Commission was asked to wrestle with the whole range of questions – legal, moral, operational and political – rolled up in this debate, and to bring back a report that would help the Secretary General and everyone else find some new common ground.¹⁴

The central theme of the report, reflected in its title, is “Responsibility to Protect”, the idea that sovereign states have a responsibility to protect their own citizens from avoidable catastrophe –from mass murder and rape, from starvation – but when they are unwilling or unable to do so, that responsibility must be borne by the broader community of states. The nature and dimensions of that responsibility are discussed as are all the questions about who should exercise it, when, where and how. In other words, the criteria for military intervention for human protection purposes are set. While there is no universally accepted single list, in the Commission’s judgment, the relevant decision making criteria can be summarized under six headings: right authority, just cause, right intention, last resort, proportional means and reasonable prospects.¹⁵

¹³ Kofi A. Annan, Secretary General’s Speech to the 54th Session of the General Assembly, 20 September 1999.

¹⁴ “The Responsibility to Protect”, Report of the International Commission on Intervention and State Sovereignty, Ottawa, December 2001, Foreword.

¹⁵ *Ibid.*, p. 32.

They respectively mean that:¹⁶

- The Security Council should be the first reference on any matter relating to military intervention for human protection purposes, but in case it fails to fulfill this role for any reason, the General Assembly, or regional /sub-regional organizations could undertake collective action. Following their failure to act, a military intervention might be undertaken by an ad hoc coalition or individual state, provided that it respects all the criteria cited hereafter;
- Military intervention for human protection purposes is justified in order to halt or avert, a) large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation or, b) large scale “ethnic cleansing” actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape;
- The primary purpose of the intervention must be to halt or avert human suffering. Occupation of territory may not be able to be avoided, but it should not be an objective as such, and there should be a clear commitment from the outset to returning the territory to its sovereign owner at the conclusion of hostilities or, if this is impossible, administering it on an interim basis under UN auspices;
- Every diplomatic and non-military avenue for the prevention or peaceful resolution of the humanitarian crisis must have been explored. The intervention can only be justified when the responsibility to prevent has been fully discharged;
- The scale, duration and intensity of the planned military intervention should be the minimum necessary to secure the humanitarian

¹⁶ *Ibid.*, Chapters 4 and 6.

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objective in question. The means have to be commensurate with the ends, and in line with the magnitude of the original provocation;

- Military action can only be justified if it stands a reasonable chance of success, that is, halting or averting the atrocities or suffering that triggered the intervention in the first place. Military intervention is not justified if actual protection cannot be achieved, or if its consequences are likely to be worse than if there is no action at all.

The reason we have chosen this particular set of criteria to test our case against, is that “The Responsibility to Protect” has been endorsed by the Secretary General of the U.N., and its principles, are incorporated in the reform project of the organization. Although far from exhaustive, these criteria have consequently acquired a certain degree of international legitimacy and mark the distance covered by humanitarian intervention since the times of sacrosanct state sovereignty.

Cyprus 1974

According to Henry Kissinger, Cyprus was the forerunner of the increasingly common and threatening ethnic conflicts that have since then broken out in such places as Somalia, Bosnia, Lebanon, Rwanda, Chechnya and Congo.¹⁷ Consequently, in the light of the above criteria, it can be argued that the 1974 Turkish military intervention undertaken against the backdrop of the Cold War to ensure the safety of the island’s Turkish population, was, after all, a humanitarian intervention. Yet, it has not been perceived so far as such, seemingly for the following reasons: a) the international political character of this long conflict; b) the historical prejudices it has created; and c) the fact that, despite a certain emphasis on the Turkish community’s safety, Turkey has only referred to its right to intervention conferred by the Treaty

¹⁷ Henry Kissinger, *Years of Renewal*, (New York: Simon and Schuster, 1999), pp. 194-195.

of Guarantee, without explicitly invoking humanitarian reasons.¹⁸ But then, it is obvious that humanitarian intervention was not much of an issue back in the Cold War years.

In order to be able to assess whether this intervention was indeed a humanitarian one, we ought to clearly determine its reasons and consequences. This, in turn, requires an exploration of the historical background of the Cyprus problem, one of the oldest international conflicts that still remains unsolved.

Historical background

During most of its 4,000 years of recorded history, “a battlefield in the Near East and the prey of contending faiths and rival empires”¹⁹, Cyprus has seen many invaders – Achaeans, Phoenicians, Romans, Byzantines – until becoming part of the Ottoman Empire in 1571. More than three hundred years later, on 4th June 4th, 1878, the island was leased to Britain following a war which had resulted in the occupation by Russia of territories in eastern Turkey. The agreement also provided for the return of the administration of Cyprus to Turkey in case Russia evacuated these territories. However, with the outbreak of World War I, Britain unilaterally annexed the island in 1914. By the Treaty of Lausanne in 1923, Turkey formally accepted this annexation and Britain declared the island a Crown Colony on 1st May 1st, 1925.

Towards the end of the 19th century, Greece had begun to encourage emigration to Cyprus and send teachers, lawyers, doctors and priests to organize the Greek community in the island in favor of annexing it to Greece (ENOSIS). On 4 4th August 4th, 1900, the then High Commissioner would inform the Colonial Secretary that the whole Greek school system set up on the island was being used as an organization for Hellenic propaganda.²⁰

¹⁸ According to the Zurich-London Agreements of 1959, Britain, Greece and Turkey undertook to guarantee the independence, territorial integrity and security of the Republic of Cyprus, each of them reserving the right to take action with the sole aim of re-establishing the state of affairs created by the Treaty.

¹⁹ Sir Harry Luke, *Cyprus, a Portrait and an Appreciation*, (London:Rüstem and Habbab, 1957 and 1973), p. 28, cited by Mensur Akgün *et al.*, “Quo Vadis Cyprus?”, *TESEV Working Paper*, Istanbul, February 2005.

²⁰ CO 67/124/26615, cited by Michael Stephen, *The Cyprus Question*, (London: Northgate Publications, 2001), p.16.

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As long ago as 1907, Winston Churchill, then Under-Secretary of State for Colonies, said:²¹

I think it only natural that the Cypriot people of Greek descent should regard their incorporation with their mother country as an ideal to be cherished; but I trust that those who feel so earnestly will not forget that they must show respect for the similar feelings of the others.

Not only Churchill's advice was ignored by the Greek Cypriots – besides, the Turkish Cypriots had no similar plan of annexation – but by 1931, violence and revolt erupted against the British Government seen as the principal obstacle to ENOSIS.

Following the interlude of World War II, the campaign was resumed under the forceful leadership of the Greek Orthodox Church of Cyprus which held a “plebiscite” to ascertain the wishes of the people of Cyprus (Turks excluded) in 1950. While the Greek community voted 95.7% in favor of ENOSIS, the Turkish Cypriot community refused to recognize this voting, which, in their view, was devoid of any legal basis whatsoever. Elected Archbishop the same year, Makarios III embarked on an international campaign to increase pressure on the British so that they yield to Greek Cypriot demands for self-determination, while preparing for armed struggle. April 1, 1955 marks the beginning of systematic terrorism on the island, led by the guerilla organization EOKA (Ethniki Organosis Kyprion Agoniston / National Organization of Cypriot Fighters) under the command of General Grivas, who had arrived from Greece in 1954.

During 1954-8, Greece made several attempts before the U.N. in favor of self-determination for Greek Cypriots. Each time the issue was taken to the U.N., EOKA stepped up violence in the island, causing the death of hundreds of British, Turkish Cypriots and Greek Cypriots. At that time, thousands of Turkish Cypriots fled from 33 mixed villages where their

²¹ Cited in *ibid.*, p. 17.

homes and possessions had been destroyed. Intercommunal clashes reached their peak in 1958 and civil war spread across the island. A gGreco-tTurkish war was looming in the horizon.

When Greece eventually came to realize a) that it would not manage to obtain a pro- ENOSIS resolution from the United Nations; b) the extent of the Turkish Cypriots' resistance to ENOSIS (although by then the Greek Cypriots were more numerous, the Turkish Cypriots had lived in Cyprus for more than 400 years as a distinct community); and c) Turkey's determination to support and help the Turkish Cypriots till the end, it agree to solve the problem through negotiations with Turkey, something it had obstinately refused to do till then.²²

At the end of these negotiations which included Greece, Turkey, the Greek Cypriot leadership, the Turkish Cypriot leadership, and Britain, a compromise solution was reached in 1959 through the Zurich and London agreements on the basis of a bi-national independence; resting on political equality and administrative partnership between the two communities who were given full autonomy in communal affairs. As a result, the Republic of Cyprus was created through the Treaty of Establishment, the Treaty of Guarantee and the Treaty of Alliance under the aegis of three guarantor powers, Greece, Turkey and Britain. The case of Cyprus was thus sui generis, for there was no other state in the world which came into being as a result of two politically equal peoples coming together by the exercise by each of its sovereign right of self- determination, creating a functional federation within a single territory, and guaranteed by international treaty, to which each of them consented.²³

The time of troubles: 1963-1974

According to Lord Hannay, "this potentially dysfunctional set of

²² Necati Ertekün, *The Cyprus Dispute and the Birth of the Turkish Republic of Northern Cyprus*, (Oxford: K.Rustem & Brother, 1984), p. 7.

²³ Michael Stephen, *op.cit.*, p. 20.

arrangements lasted for only three years before a major crisis derailed it”.²⁴ The crisis erupted first around the Constitution. Article 173 of the Constitution provided for separate municipalities for Turkish Cypriots in the five main towns. The Greek Cypriots refused to conform to this mandatory provision and the matter was brought before the Supreme Constitutional Court of Cyprus by the Turks. As the Court ruled in favor of the latter and the Greek part ignored the verdict, the Turkish Cypriots blocked, in retaliation, the taxation legislation in the House of Representatives. Meanwhile, frictions arose around the implementation of the principle of 70/30 ratio in the public service as the Greek Cypriots argued that the real ratio at the population level was 80/20 and that furthermore, there were not enough Turkish Cypriots qualified to fill the quotas anyway.

The next stage of the crisis would be the so-called Akritas Plan, incorporating the new political and military strategy of the Greek Cypriot leadership. The main objectives of the plan were to amend the “negative” parts of the 1960 Constitution; abrogate the Treaties of Guarantee and Alliance; gain international support for the Greek Cypriot community’s right to self-determination; legitimize ENOSIS by means of plebiscite.²⁵ The Greek Cypriot leaders knew that these political moves would be fiercely opposed by the Turkish Cypriots, and were ready to engage in armed struggle. In his memoirs, President Glafcos Klerides of Cyprus would later write:²⁶

If the Turkish community resisted unilateral amendments of the Constitution, the security forces would, in the first instance, have the task of maintaining law and order. If they proved inadequate in the task, then the paramilitary organization recruited by the Minister of Interior Yorgadjis (Akritas) would be called upon to assist them, using force as was absolutely necessary to put down the Turkish uprising.

Conveniently labelled as “uprising” by the Greek side who controlled the local media, it was in fact a unilateral aggression by the heavily armed

²⁴ David Hannay, *Cyprus: The Search for a Solution*, (London: I.B.Tauris, 2005), p. 4.

²⁵ Richard A. Patrick, *Political Geography and the Cyprus Conflict: 1963-1971*, (Ontario: University of Waterloo, 1976), pp. 35-36.

²⁶ Glafcos Klerides, *Cyprus: My Deposition*, (Nicosia: Alithia, 1989-1991), Vol I, pp.212-219.

Greek community against the smaller, virtually unarmed Turkish community. In the words of Harry Scott Gibbons, “ genocide in Cyprus erupted in December 1963”, when the Greek Cypriot militia attacked Turkish Cypriot communities across the island.²⁷ Hundreds of their men, women, and children were massacred, nearly 30,000 people had to evacuate 103 villages where after their departure Greek Cypriots burned down their houses, and 107 of their mosques, shrines and other places of worship were desecrated.²⁸

The massacres continued throughout the first months of 1964. On 13th February, the Greeks and Greek Cypriots surrounded the Turkish quarter of Limassol with tanks, killing and injuring most of the inhabitants. Four days later the Washington Post reported that “Greek Cypriot fanatics appear bent on a policy of genocide”.

“No one who lived as I did in Cyprus in the 1960s will forget what was happening then. To my mind it was an attempt at the systematic elimination of one part of the community. It was ethnic cleansing before the phrase came into vogue in the Western media” said Air Chief Marshal Sir Michael Graydon at a seminar held in London almost forty years later, on 16 February 2001.

Turkey did her utmost to persuade Greece and Britain, the other two guarantors, to take action but they both failed to do so, for different reasons: Greece was actively involved in helping the Greek Cypriots in their attack against the Turks, while the British, who had recently disengaged from a messy war with EOKA, were concerned about their bases.

In the meantime, a conference convened in London in January 1964 had failed because the Greek side had proposed the abolition of all the rights

²⁷ Harry Scott Gibbons, *The Genocide Files*, (London: Charles Bravos Publishers, 1997), p.3.

²⁸ See UN Secretary General's Report to the Security Council, S/5950 of 10.09.1964.

of the Turkish Cypriots under the Zurich and London settlement in order to reduce them into a mere minority. After the London Conference ended in deadlock, the Cyprus question was referred to the U.N. and on 4 March 1964, the Security Council passed Resolution 186, recommending the creation of the UN Peace-keeping Force in Cyprus (UNFICYP) which is still posted in the island.

In June 1964, the position of the Turkish Cypriots had become so alarming that public opinion in the mainland felt Turkey could/should no longer stand by. Following the threat of military intervention by Turkey in accordance with Article IV of the Treaty of Guarantee, U.S President Johnson sent his “historic” letter to Turkish Prime Minister İnönü on 5 June 5, warning him that in such a case the U.S. would not, in turn, defend Turkey against an eventual Soviet attack.

This prevented the Turkish intervention but not Greek aggression from continuing. On 6 August 1964, Greek Cypriot forces led by General Grivas launched an attack on five Turkish villages in the north-west of the island, one of them, Erenköy, right on the coast and enclaved in Greek “territory”. Greeks believed men and arms were being smuggled in from the coast, which was the case, including 500 Turkish students who volunteered to come to Cyprus and defend this isolated community. 64 Turkish jets flying over the region, first making warning shots and as the siege continued, bombarding Grivas’ troops, prompted Makarios to threaten every Turkish Cypriot village and quarter in the island. Following a Security Council resolution for a cease-fire, fighting stopped short of another massacre, on 10 August.²⁹ After this incident, violence declined but never stopped completely until after the 1967 crisis. Meanwhile, two peace plans had failed: the so-called Acheson Plan in the summer of 1964 and the U.N. mediator Galo Plaza’s report in 1965.³⁰

²⁹ Richard A. Patrick, *op.cit.*, p.70-72.

³⁰ For a detailed account of both plans and especially the 1967 crisis, see , Parker T. Hart, *Two NATO Allies at the Threshold of War*, (Durham and London: Duke University Press, 1990).

21 April 1967 marks a turning point in Greek politics with a coup d'état staged by the colonels who overthrew democracy in Athens. Although not very keen on Makarios himself, the colonels supported General Grivas and some seven months after the coup, the Turkish Cypriot villages of Geçitkale and Bo?aziçi were attacked by 20,000 men belonging to the Greek National Guard under the command of Grivas.³¹ This came after the breakdown of bilateral summit talks between Turkey and Greece held from May 1966 to September 1967. In response to the attack, Turkey mobilized its armed forces, delivered a note verbale to Greece demanding that Grivas be called back to Athens and the removal of all troops in excess of those allowed by the Treaty of Alliance, the disarming of all Greek irregulars as well as the National Guard. The two countries were clearly at the threshold of war and joint U.S-Turkish diplomatic efforts resulted not only in the end of the siege in Cyprus, but also the withdrawal of 10-12,000 Greek troops and the departure of Grivas from the island. This diplomatic setback would push Makarios to re-examine his political strategy which moved from the “desirable” (namely ENOSIS) to the “feasible” solution (an independent unitary Cyprus state).³² Soon started the U.N sponsored intercommunal talks which would last, on and off, until 1974.

But meanwhile Makarios' relations with the Greek junta would deteriorate and Athens would back the pro-ENOSIS National Front while Grivas returned secretly to the island setting up a movement called EOKA-B. This movement, increasingly violent since 1971 when talks started to falter, soon plunged the island into terror. With Grivas' death in 1974, the control of EOKA-B would pass in the hands of the junta which had other plans for Cyprus.

³¹ Exactly on 15 November 1967.

³² Mensur Akgün *et. al.*, *op.cit.*, p. 24.

Coup in the island and ‘IPHESTOS 1974’

On 15 July 1974, the National Guard controlled by Athens staged a coup, overthrowing Makarios and replacing him with a certain Nicos Sampson. A former EOKA member, Sampson had been involved in the massacres of the 1960s killing 27 people back then. This was highly significant as to Greek intentions towards the Turkish community. Ironically, it was Makarios himself who justified this view in his address to the U.N Security Council on 19 July 1974: “ After the coup, the agents of the Greek regime in Cyprus appointed a well-known gunman, Nicos Sampson, as President, who in turn appointed as ministers known elements and supporters of the terrorist organization EOKA-B .” He also warned that the events in Cyprus did not constitute an internal matter of the Greeks in Cyprus and that the Turks of Cyprus would also be affected.³³

In December 1974, while he was in exile, Makarios disclosed to the Italian journalist Oriana Fallaci in New York that the last head of the Greek junta, Brigadier Ioannides, and Sampson came to see him one day in 1963 (while the former was serving as a Greek Army Officer in Cyprus) and suggested a plan for the extermination of the Turkish Cypriots. The relevant passage of the interview with Makarios reads as follows.³⁴

One day he (Brig. Ioannides) came to see me with Sampson, to suggest a project that would have settled forever the problem of Cyprus. He kissed my hand respectfully and said: “Your Beatitude, here is my project; to attack the Turkish Cypriots suddenly every where on the island and eliminate them to the last one”. I was astonished, I told him that I could not agree with him.

This would later be confirmed by Nicos Sampson himself not only in his memoirs but also in an interview he granted to the Greek newspaper

³³ Address of Archbishop Makarios in the U.N Security Council on 19 July 1974, cited in Necati Ertekin, *op.cit.*, Appendix 21, pp 243-244.

³⁴ See the letter addressed by President Rauf Denktaş to U.N Secretary General Kurt Waldheim on 4 August 1980, Appendix 4, *ibid.*, p. 172.

Eleftherotipia on 26 February 1981: “ Had Turkey not intervened, I would not only have proclaimed ENOSIS- I would have annihilated the Turks in Cyprus”.

He would have done so in accordance with the ethnic cleansing plan codenamed “IPHESTOS (volcano) 1974”.³⁵

Greek Cypriot National Guard documents captured in the weeks following the coup d'état, revealed indeed a hair-raising plan to wipe out the entire Turkish population of the island. The plan includes all the details as to which villages were to be wiped out with their inhabitants, the units assigned to specific areas and tasks, and the very spots to bury the Turkish corpses.

Those involved, or to be involved, in the extermination are detailed in the document with the File number 216/5/296, dated 7 March 1974.³⁶ It was issued by the National Guard's 3rd High Military Tactical Command in Nicosia and signed by its commander Michael Georgitses. Under the headline “Mission”, the directive explained that part of the mission was to prepare the Greek Cypriot population psychologically and to organize them and the police for their wider participation in the cleansing of the Turkish Cypriot enclaves and pockets, using every means available (weapons etc.). It also described how Turkish bodies would be buried in the vicinity of Turkish Cypriot graveyards. The language and style are typically stilted military, but the meaning is brutally clear: “ Attack at night, silently, without using lights, as quickly as possible, for the cleansing of Lefka (Lefke), enclave and the pockets of Aya İrini (now Akdeniz), Kazivera (Gaziveren), Elia (Doğancı) and Angolemi (Taşpınar)”.³⁷

³⁵ For this, see Harry Scott Gibbons, *The Genocide Files, op.cit.*, Book Three.

³⁶ *Ibid.*, p. 408.

³⁷ *Ibid.*, p. 410.

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Other files dealt with other specific areas to be attacked and the units assigned to them.³⁸ One of them, under the heading “Instructions for Coordination”, directed that “The 2nd and 3rd Bureaux (Intelligence and Operations) of Tactical Group Command should prepare themselves for the implementation of this plan in order to carry out activities such as wearing U.N. Peace Force uniforms and vehicles, cutting off water supplies, electricity and telephone lines...”³⁹

Clearly, the plans tried to leave nothing to chance and the entire genocide program was to be carried out “with the approval of the Cyprus Government”. At that time, the Cyprus Government was all-Greek and therefore illegal under the terms of the 1960 Constitution. But, illegal or not, it was the recognized government of the island. So, this government, recognized by the U.N. and the world, had given its approval to the “cleansing” of a fifth of its people.⁴⁰

As recently as 23 November 2004, a 67-year old former EOKA member of the name of Andreas Dimitriou, who had participated in the massacre of Tohni (Taşkent) where 89 Turkish Cypriots had been killed 30 years ago, revealed to the press that everything had been carried out along with the government forces.⁴¹

Consequently, the Turkish military intervention of 20 July 1974, prevented the Turkish Cypriots from being decimated and the island, from being annexed to Greece. Even before the capture of the aforementioned plan, the existence of such a threat was not only confirmed by Greek and Greek Cypriot declarations but, as we have already seen, by the 11- year long massacres and persecution of the Turkish community.

³⁸ File number 210/14/4034 dated 31 March and issued by the HQ of the National Guard in Morphou covered Peristeronari (now Cengizköy) while File number 210/12/76 issued by the 3rd High Military Command in Kyrenia on 18 April was about the cleansing of this important north seaport and its vicinity.

³⁹ This is the 18 April File.

⁴⁰ These are the words of Harry Scott Gibbons, p. 410.

⁴¹ Reported in the Turkish daily *Milliyet*, 23 November 2004.

Turkish Prime Minister Bülent Ecevit stressed this point while addressing Joseph Sisco, Special Representative of U.S President Richard Nixon, during the last diplomatic efforts deployed before the intervention: “We have a responsibility in Cyprus, that is above all of human order. This responsibility is towards the Turkish community who is actually cut off from the rest of the world and remains hostage”.⁴²

The legal interpretation of the intervention

Early in the morning of 20 July, 1974, Turkish Foreign Minister Turan Güneş summoned the Greek Ambassador in Ankara to convey Turkey’s official thesis about the intervention which had started at dawn. “Turkish armed forces have intervened in Cyprus in accordance with the Treaty of Guarantee. Turkey is there in order to safeguard the territorial integrity and sovereignty of the island, as well as the rights of both communities”.⁴³ This view was also expressed by the Turkish Permanent Representative to the U.N., who referred to Prime Minister Ecevit stressing that as a guarantor of the independence and Constitutional order of Cyprus, Turkey was not an invader but acted precisely against an invasion.⁴⁴ This was indeed confirmed when Turkey immediately accepted to take part in the Geneva Conference initiated on the basis of Security Council Resolution 353 of 20 July 1974, calling upon the three Guarantor Powers to enter into negotiation without delay for the restoration of peace in the area and Constitutional government in Cyprus.

It is clear that the legal basis of Turkey’s intervention is Article IV of the Treaty of Guarantee. Besides, according to some experts who studied the Cyprus issue from the legal perspective, “the right to take action” embodied in this disposition draws its legal basis and legitimacy from the right of self-defense, as recognized by Article 51 of the U.N. Charter. Although the right of self-defense

⁴² Cited by İbrahim Artuç, *Kıbrıs'ta Savaş ve Barış*, (Istanbul: Kastaş A.Ş. Yayınları, 1989), p. 139.

⁴³ Cited by Mehmet Ali Birand, *30 Sıcak Gün*, (Istanbul: Milliyet Yayınları, 1975), p. 71.

⁴⁴ United Nations Security Council Official Records (SCOR) 1974, *Political and Security Questions*, Chapter XII “The Situation in Cyprus”, p. 266.

is recognized to be used by states collectively or individually only in case of an armed attack, one can invoke the customary right of anticipatory self-defense admissible under the conditions set up by Webster in the Caroline case, i.e. when “the necessity of that self-defense is instant, overwhelming and leaving no choice of means, and no moment for deliberation”.⁴⁵ Consequently, the intervention of 20 July 1974, aimed at safeguarding the rights of a community that were about to be suppressed along with the community itself, can be considered as a legal act of self-defense when interpreted within the specific conditions of imperativeness that nullify the prohibition of the use of force – Article 2(4) of the U.N. Charter- that could apply to Turkey.

On the other hand, another exception to this prohibition is the view according to which intervention is legitimate when conducted in accordance with a pre-existing treaty in order to preserve the political order of a State party - this is considered a part of the right to intervention by invitation.⁴⁶ Consequently, it requires the approval of the State in question. But the Greek side had, since the events of 1963, refused to interpret “the right to take action” embodied in Article IV of the Treaty of Guarantee as a right to use force. While this particular disposition was still valid in 1974, the Greek Cypriots added another element to their interpretation of Article IV by contending that it could only be applied in case of “external attack” –whereas in this case the dispositions of the Treaty of Alliance should be invoked.⁴⁷ In conformity with this view, the Permanent Representative of Greece, who addressed the Security Council at the emergency session of 20 July 1974, accused Turkey of attacking the sovereignty and territorial integrity of Cyprus and, invoking Greece’s right to self-defense stemming from the bombardment of the Greek military installations in the island by Turkey, demanded that the Turkish “occupiers” retreat to the Turkish enclaves until

⁴⁵ Albrecht Randelzhofer, in Bruno Simma (ed.), *The Charter of the United Nations: A Commentary*, (Oxford:Oxford University Press, 1995), p. 675.

⁴⁶ Funda Keskin, *Uluslararası Hukukta Kuvvet Kullanma: Savaş, Karışma ve Birleşmiş Milletler*, (Ankara: Mülkiyeliler Birliği Vakfı Yayınları, 1998), pp.123-124.

⁴⁷ Sevin Toluner, *Kıbrıs uyumsuzluğu ve Milletlerarası Hukuk*, (İstanbul: İ.Ü. Hukuk Fakültesi Yayınları, 1977), p. 274.

the resolution of the problem.⁴⁸ It was however obvious that a State, who had forced another State to intervene by its own unlawful action, could not justify itself by invoking the right to self-defense.

Although Turkey's arguments based on the right to self-defense as recognized by Article 51 of the UN Charter, as well as "the right to take action" in accordance with Article IV of the Treaty of Guarantee remain valid, we contend that an equally relevant legal justification would be the right to humanitarian intervention as exception to the principle of non-intervention embodied in Article 2(7) of the UN Charter. As mentioned before, Turkey has not explicitly invoked this right since it considered the Treaty of Guarantee as the sole adequate instrument. Besides, the concept of state sovereignty was the prevailing value of the Cold War years as opposed to humanitarian concerns. Finally, the historical/political aspects of the Cyprus issue were so overwhelming that it was then almost unthinkable to refer to a right recognized only by customary international law.

It is true, on the other hand, that the right to humanitarian intervention is still a legally fragile concept, since it has not yet been properly codified within the context of international law. But then, this is not a reason not to invoke this right, given the recently developed criteria considered as a first step towards codification.

The final part of the article will precisely apply these criteria to the Cyprus issue in order to demonstrate that it was, indeed, a humanitarian intervention.

In any case, there is no legal argument contesting the validity of the Treaties related to the international status of Cyprus. The U.N. Security Council refers continuously to these Treaties whenever it is called upon to deal with the problem of Cyprus. On the other hand, it could be asserted that

⁴⁸ United Nations Security Council Official Records (SCOR), *op.cit.*, p. 266.

even if these Treaties did not exist, the 1974 intervention would have been justified on the basis of the right to humanitarian intervention as exception to the principle of non-intervention embodied in Article 2(7) of the U.N. Charter. Although there still exists a deep division on this interpretation, this right is increasingly recognized in customary international law in order to prevent serious violations of human rights by a State against its citizens.

It is true that Turkey has never explicitly invoked this right, since the Treaty of Guarantee was then perceived as the sole adequate legal instrument.

Peace efforts and the second intervention

According to the Geneva Declaration issued at the end of the First Geneva Conference held between 25- and 30 July 1974 by the three Guarantor Powers:

- 1) a security zone should be set up;
- 2) all Turkish Cypriot enclaves occupied by Greek or Greek Cypriot forces should be immediately evacuated;
- 3) detained military personnel and civilians should be exchanged or released;
- 4) negotiations should be carried on to secure the restoration of peace in the area and the re-establishment of constitutional government in Cyprus.

The three Foreign Ministers also noted in the Declaration “the existence in practice in the Republic of Cyprus of two autonomous administrations, that of

the Greek Cypriot community and that of the Turkish Cypriot community”.⁴⁹

The Second Geneva Conference was held from 9 to 13 August, with the participation of Turkish Cypriot and Greek Cypriot delegations in order to discuss the constitutional status of Cyprus. During the period between the two Conferences the Greek and Greek Cypriot side not only refused to comply with the above agreements, but continued to attack Turkish Cypriot habitations and took prisoners. Turkish Cypriots had to evacuate another thirty-three villages while those living in the south –outside the protective umbrella of the Turkish armed forces – were put under siege and the populations of Turkish villages at Aloa, Sandallaris, Maratha, Tokhni Zyyi and Mari were almost entirely wiped out.⁵⁰ When, at the Second Conference, Turkey proposed the enlargement of the security zone as well as the creation of a federation, this was met by Greek resistance. Turkey refused the 36-hour delay required by the Greek side for deliberation purposes and undertook a second intervention on 14 August to enlarge the security zone and save the rest of the Turkish Cypriot population from being massacred. The operation was concluded on 16 August, thus bringing the territory in the north within the boundaries of what was to become the Turkish Federated State of Cyprus, under Turkish Cypriot control and administration.

It is a well-known fact that the second intervention, despite the humanitarian reasons, was met by fierce international criticism as compared to the first one considered more legitimate in the face of the threat of ENOSIS. As a result, the diplomatic success obtained by Turkey in the First Geneva Conference was considerably eroded.

⁴⁹ Cited by Necati Ertekün, *op.cit.*, Appendix 23, pp. 248-249.

⁵⁰ See Human Rights in Cyprus, published by the Turkish Cypriot Human Rights Committee, (Nicosia: 1979).

International reactions

The primary factor determining international reactions towards the 1974 intervention was the danger of its transformation into a Greco-Turkish war with alarming consequences for regional stability.

It is therefore natural that Britain, as a Guarantor Power, led the Geneva negotiations.

The U.S. reacted positively to these talks, and although drawing attention to the responsibility of Greece in triggering the Turkish intervention, condemned any outside intervention in the island, albeit with a milder tone than in 1964.⁵¹ However, the second intervention would harden this attitude and through the efforts of the Greek lobby in the U.S., it would end up with an arms embargo against Turkey.

The U.S.S.R, in accordance with its ideological stance and foreign policy tradition, has, from the beginning, condemned the military rule in Greece and stressed the importance of the restoration of the sovereignty and territorial integrity of Cyprus. Although this was undoubtedly closer to the Turkish thesis, the real aim here was to support Makarios.⁵² With the second Turkish intervention and Greece's withdrawal from NATO's military structure, Moscow made a volte-face, and started supporting Greece unambiguously. With regard to the Cyprus crisis, the U.S.S.R has clearly acted from the perspective of its own political interests.

China, then leading the Third World bloc, has constantly defended Makarios against the superpowers competing for hegemony in the Mediterranean and the Middle East.⁵³

⁵¹ United Nations Security Council Official Records (SCOR), *op.cit.*

⁵² *Ibid.*,

⁵³ *Ibid.*,

France was consistent in condemning the use of force by Turkey after both interventions and advocated the return to status quo ante through diplomatic means. This attitude was more related to President Giscard d'Estaing's traditionally anti-Turkish stance than the proper dynamics of the crisis.⁵⁴

Finally, the then non-permanent members of the Security Council including Austria, Indonesia, Iraq, Kenya, Mauritania and Cameroon all stressed the importance of the sovereignty, territorial integrity and independence of Cyprus, and called for the restoration of the constitutional order in the island.⁵⁵

Obviously, international society has adopted an attitude in which the humanitarian dimension of the crisis was ignored while regional strategic concerns and state sovereignty have prevailed.

Concluding Remarks: Why It Can Be Considered Humanitarian Intervention?

In his brilliant account of the Cyprus conflict, Lord Hannay, former British Special Representative for Cyprus, maintains that the Greek Cypriot coup d'état in July 1974 triggered off a series of events that profoundly altered all the parameters of the Cyprus problem and scarred all parties in the dispute: "The Greek Cypriots had lost control of one-third of what they regarded as their country... Moreover, many tens of thousands of Greek Cypriot refugees abandoned their property in the north and were left destitute... The Turkish Cypriots saw their view that only Turkey could be relied upon when the chips were down vindicated. They were also confirmed in their prejudices towards the Greek Cypriots as people who were determined at least to dominate

⁵⁴ *Ibid.*,

⁵⁵ *Ibid.*,

Cyprus by force and at worst to expel all Turkish Cypriots from the island. The Turks...were determined never again to be put in a position of having to mount an opposed, amphibious landing in order to protect the Turkish Cypriots. The Turkish military now had a massive troop presence in the north –even today numbering about 35,000”.⁵⁶

This is precisely the most contested part of the intervention and besides hampering – among other factors- the attempts for a political settlement, it can be perceived as against one of the humanitarian intervention criteria developed by the Independent Commission on Intervention and State Sovereignty. As already mentioned, military presence should not last beyond the end of hostilities whereas, in this case, it has been lasting over thirty years. On the other hand, it can be argued that in the absence of a political solution, the safety of the Turkish Cypriots cannot be considered ensured, and the security umbrella is still indispensable and justified by the Treaty of Guarantee as well as by the continued existence of a 17,000 strong Greek Cypriot Army, which would be unopposed in the case of a withdrawal of the Turkish forces. Furthermore, it should not be forgotten that the Turkish Cypriots, with the support of Turkey, voted in favor of the solution advocated by U.N. Secretary General Kofi Annan, on April 24, 2004. Had this plan been accepted by the Greek Cypriots as well, the Turkish forces would have been withdrawn in accordance with the timetable included in the Annan Plan.

As to the rest of the ICISS criteria, following a rather detailed account of the background and immediate circumstances surrounding the crisis, one can contend that the intervention did indeed fulfill most of them:

- in the absence of action by the U.N. and/or regional organizations, the right to intervene is recognized to states acting collectively or individually, which Turkey has done;

⁵⁶ David Hannay, *op.cit.*, pp. 6-7.

- the intervention has taken place in order to halt or avert large scale loss of life, actual or apprehended, with genocidal intent, as proven by the events of the 1960s as well as the existence of the IPHESTOS 1974 plan;
- as every diplomatic and non-military avenue must have been explored before intervening, the démarches of the Ecevit government to have Britain intercede with the Greeks and negotiations conducted with the U.S Presidential representative Joseph Sisco prior to 20 July, as well as the two Geneva Conferences held in conformity with Security Council Resolution 353, illustrate Turkey's efforts in this sense;
- the scale, duration and intensity of the military intervention were obviously proportional and in line with the magnitude of the provocation, given that the operations did not last long and the Turkish forces stopped at the self-imposed Green
- the intervention had a reasonable chance of success, since it could avert the danger of further massacres.

It can therefore be retrospectively argued that the 1974 Turkish military intervention in Cyprus was in a sense a "hybrid" operation motivated by political as well as humanitarian concerns.

Considered as one of the most intractable inter-communal conflicts within the international system, it remains unsolved as to this day, following a long and tortuous peacemaking process. The addition of a new actor in the game, namely the European Union, has not so far, been able to give a new impetus to the process. On the contrary, the accession of Southern Cyprus to the Union is progressively becoming one of the major impediments to a solution.

