

The case of Mrs Loizidou

What has the Cyprus problem to do with that of Northern Ireland? Very little if anything, you might suppose. Yet there is a link, as I will show.

Mr Tom Cox, Labour MP for Tooting, chairs the Cyprus Commonwealth parliamentary group in the House of Commons. In the adjournment debate on April 20 (just before the Easter break), when backbenchers were free to raise any subject under the sun that took their fancy, Mr Cox chose to raise the case of Mrs. Loizidou. She is a Greek Cypriot, who found herself on the wrong side of the Green Line when Turkey decided to take over Northern Cyprus in 1974. What was worse, her home and possessions in Kyrenia were on the wrong side of that line too. The Turks forced her to leave them behind and retreat to the southern side of the line. It has divided the island (through the capital Nicosia) since 1974, and did so to some extent even before that. Ever since, she has been refused access to the occupied area by the Turkish military authorities.

During all that time, Mrs Loizidou has fought to regain her property. She went to the European Court of Human Rights at Strasbourg, citing art. 1 of the First Protocol to the Convention. This states that no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law (including international law).

The case of *Loizidou v Turkey* went before the Court in July 1998. The Governments of Turkey and Cyprus had every opportunity to present their views on the case, and they did so. The court found by 15 votes to two in favour of Mrs. Loizidou. That should have concluded the matter, since both Turkey and Cyprus are members of the Parliamentary Assembly of the Council of Europe. The United Kingdom is also a member of that Assembly, as well as being one of the guarantor powers for the original, entire Republic of Cyprus.

Unfortunately, as so often in these matters, *realpolitik* got in the way. Mr Cox told the House of Commons that following the Court decision there have been many attempts by the Council, by the Secretary General of the Council and by the Committee of Ministers (which represents the member states of the Council) to ensure Turkey's compliance with the judgment. Still Turkey refuses to recognise the Court's decision.

At a meeting of the Parliamentary Assembly of the Council of Europe in Strasbourg in January, the Chairman-in-Office of the Committee of Ministers, the Irish Minister for Foreign Affairs, Mr. Brian Cowen, made a statement of regret that the Committee of Ministers had made no progress towards the execution of the judgment in the Loizidou case. He said that it was the unanimous view of the committee that the compulsory jurisdiction of the court is an obligation that is accepted by all contracting parties, which obviously includes Turkey. He added that he had sent a letter to the Turkish Foreign Minister Mr Cem, emphasising the Committee's concern at Turkey's continued failure to meet its obligations.

Recently, added Mr Cox, he approached the Secretary General of the Council of Europe on Turkey's attitude. "He said clearly that he deeply regretted the lack of response and commitment, and that it cannot be allowed to continue indefinitely." This is at a time when discussions are taking place about Turkey's possible future membership of the European Union.

It is also a time when the British people are bracing themselves for the coming into full effect of the Human Rights Act 1998, which explicitly incorporates the crucial art. 1 of the First Protocol. Will that get Mrs Loizidou any nearer achieving her aim? That is most unlikely. The reason? Why *realpolitik* of course.

The Republic of Cyprus (what is left of it) is up against *realpolitik* in the same way as, over a much longer period, in fact since its creation, Northern Ireland has been. For a variety of reasons, it is very much to the substantial interest of the United Kingdom and other nations of the European Union that Turkey should be kept within the Western fold. Turkey is needed by the west as a bastion against the forces that lie to the east of her. It would be seen as a catastrophe if Turkey turned round and became instead the front line state of those eastern forces.

In a similar way, the United Kingdom sees itself as unable to afford to please the majority of the people of Northern Ireland at the political cost of displeasing not only the Republic of Ireland but the United States too. Beneath such mighty forces of geopolitics, little people like Mrs Loizidou are apt to find themselves crushed.

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