

# Cyprus as a source

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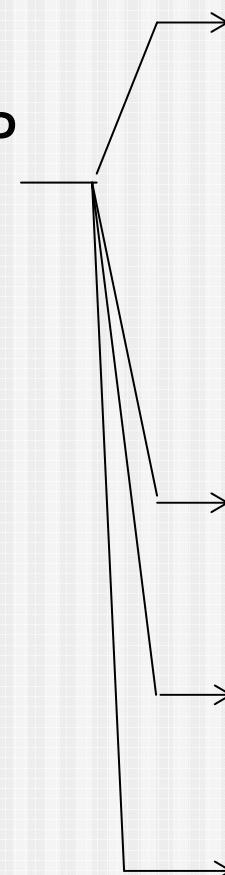
Constitutional dimension

**Конституционная составляющая**



Refugees / IDP

**Беженцы**



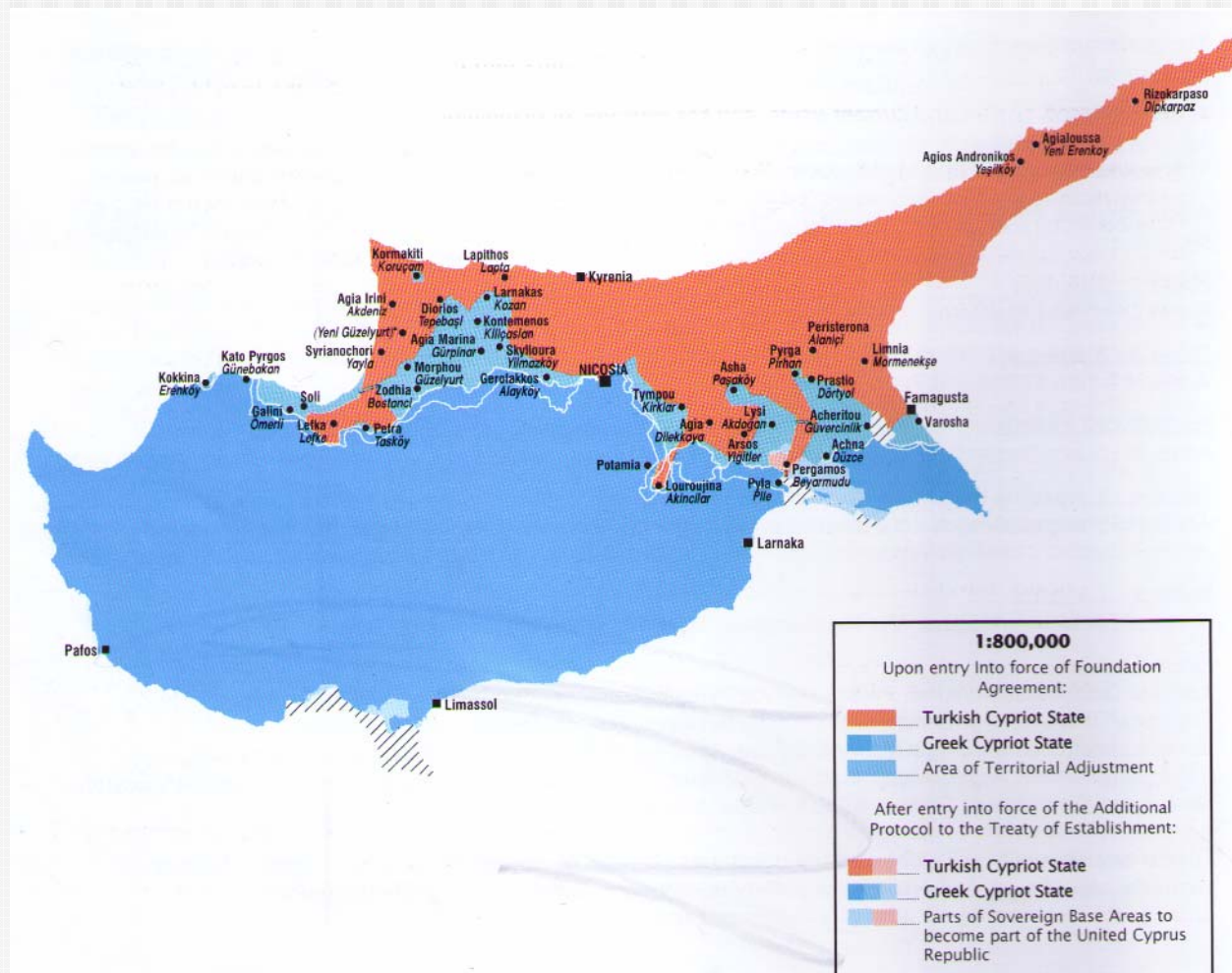
**“Return“ process with transitional limitations**  
**Процесс возвращения с ограничениями во время переходного периода**

**Territorial adjustment**  
**Территориальные изменения**

**Citizenship / Residence**

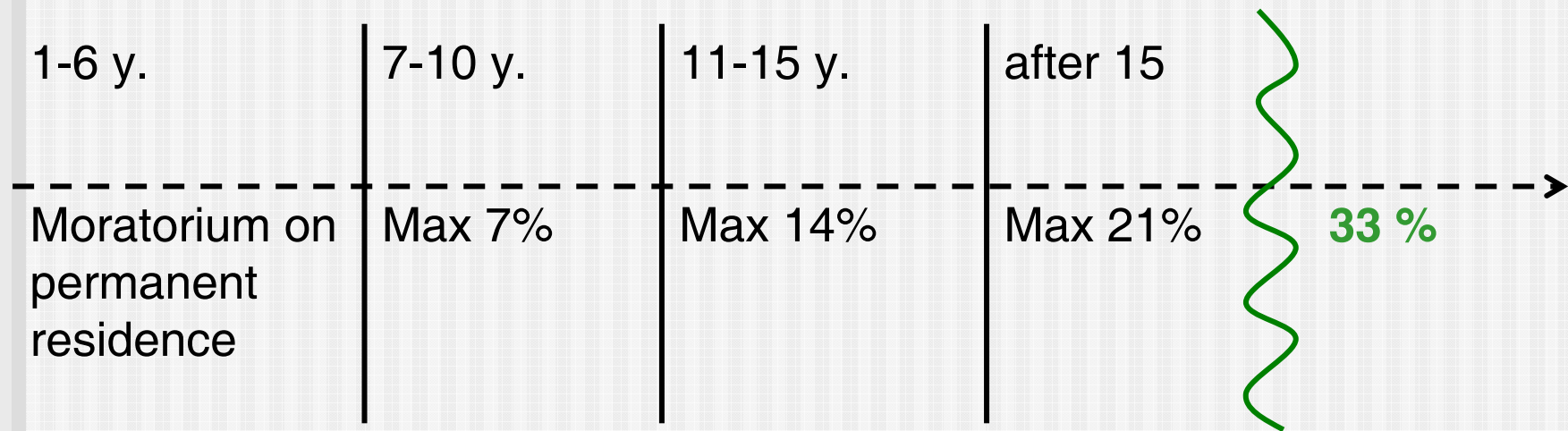
**Property**

# Annan Plan: Territorial adjustment



# Transitional limitations on establishment of residence by Cypriots

Ограничения переходного периода относительно права проживания киприотов





# Transitional limitations on establishment of residence by Cypriots

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Ограничения переходного периода относительно права проживания киприотов

- 1) The Annan Plan gives the right for return but in a resourceful way  
First to pensioners (age 65) with a ceiling of 33 %
- 2) The right for residence exists (not just to refugees) but to all citizens. If 1) is completed one can continue with 2).

# Overview of property regimes

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TC property regime

GC property regime

Annan Plan  
proposed  
property regime

TC property regime

GC property regime

# The pre-Annan Plan property regimes in the North

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- Original Turkish Cypriot position
  - Expropriated all Greek Cypriot property abandoned in 1974-5
  - Distribution to TC refugees and immigrants
  - “Global exchange concept” on the issue of “return” and property
  - Psychological dimension ... “forget about the South.”
  - No legal remedies in place for GC BUT also pressure on TC not to make use of their individual rights.

# The pre-Annan Plan property regimes in the South

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- Original Greek Cypriot position
  - Guardianship took over abandoned property
  - De facto TC are excluded from their property rights unless the Cyprus conflict is settled.
    - TC cannot sell
    - TC cannot get income from property
    - TC cannot return to the house and use it.



# The post-Annan Plan property regime in the North

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- “First Phase”
  - TRNC Properties Commission founded
    - Exchange
    - Compensation to GC claimants
  
- International reaction:
  - European Court for Human Rights did not see this Commission as appropriate (Arestis Case)
  - Commission members living in GC property
  - No possibility of restitution

# The post-Annan Plan property regime in the North

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- “Second Phase”
  - TRNC Properties Commission improved
    - Exchange
    - Compensation to GC claimants
    - Restitution
    - Commission members with international participation
    - Change of law and Constitution was necessary
  
- Local Reaction
  - Very controversial debate
  - Law was challenged in the constitutional court
  
- International reaction:
  - ECHR transferred the Arestis case AND all other to the commission

# Interesting insights

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- Transformation of human rights violations into a monetary issue
- Relation to an “external power”; great financial risks
- Normalizing the relation to the international community through recognition
- Insights about the qualities of a property commission to gain recognition