

Stefan Talmon

“International Law as a Stumbling Block to a Solution of the Cyprus Problem”

Takis Mihas

The views of German Professor Stefan Talmon of Oxford University provoke debates in Athens, Brussels and Nicosia.

During his lecture at London School of Economics, entitled “International Law as a Stumbling Block to a Solution of the Cyprus Problem”, Stefan Talmon, a distinguished professor of International Law who has studied thoroughly the legal aspect of the Cyprus Problem, questions the importance of International Law in providing a solution, opting for the avenue of politics.



“The Greek-Cypriot side”, he stated during our communication, “it has based her policy on International Law. Let us suppose that all her requests –such as the withdrawal of the Turkish troops, the immediate return of the refugees etc are right. There is, however, a minor problem: International Law in contradistinction with domestic law is not easily enforceable! This is why I query whether the firm policy of Greek-Cypriots towards Turkish-Cypriots- a policy which does not render them particularly popular in Brussels- is the most effective policy for resolving the Cyprus Problem. West Germany had, for many years, a similar policy based on International Law towards East Germany. This policy, however, took her nowhere. This is why West Germany abandoned it later on, adopting the approach policy.

Professor Talmon’s comment regarding the explorations for petroleum in Eastern Mediterranean is also surprising:

“The view that Turkey’s objections entail the questioning of the Republic of Cyprus is not correct. Turkey recognizes both the Republic of Cyprus and her competence to conclude bilateral agreements. Besides, Turkey is a State Party along with the Republic of Cyprus to multilateral treaties, such the International Telecommunications Convention of November 1985. What Turkey questions, is that the Republic of Cyprus exercises sovereign rights on the island as a whole. Thus, in relation to the question of exploitation, Turkey refuses to recognise that the Republic of Cyprus has the right to conclude agreements with third parties regarding the resources or the areas which belong to Northern Cyprus, over which –according to Ankara- Nicosia does not exercise sovereign rights”..

The “non-recognition” of the Republic of Cyprus by Turkey has led, according to Stefan Talmon, several commentators to portray a completely false image regarding the dispute between the European Union and Turkey over the opening of the ports to ships that fly the flag of the Republic of Cyprus:

“This dispute constitutes a false pretence. It is wrong when it is stated that Turkey cannot open its ports and airports to Greek-Cypriot ships and airplanes because that will automatically signify recognition of the Republic of Cyprus. Turkey does not deny the existence of the Republic of Cyprus. It denies the latter’s sovereignty over the island as a whole. This is not going to be affected by the mooring of ships flying the flag of the Republic of Cyprus since the access to ports and airports does not entail anything regarding the extent of territorial sovereignty of the flag State. Turkey simply uses the prohibition of mooring of Greek-Cypriot ships as a negotiating tool against the economic isolation of Turkish-Cypriots. ”.

Talmon estimates that, if commerce is permitted with the occupied territories it is only a matter of time until the mooring of Greek-Cypriot ships in Turkish ports is permitted too. However,;

"The real problem will emerge later on, when Turkey will be requested to recognize that the Republic of Cyprus is the sole State in Cyprus. In that case Ankara would cease recognizing the Turkish-Cypriot "State" and it would accept that its armed forces constitute occupying forces. There is no Turkish government that would do such a thing. However, let us hope that by then the Cyprus Problem will have been resolved!"