

## Threats to cultural heritage in the Cyprus Conflict

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### ABSTRACT

Militarily-necessary destruction and collateral damage are standard hazards in any conflict; but there are many other threats, including political violence against cultural and community property, which is a notorious danger to communities' inevitably heterogeneous heritage, and subsistence digging and commercial looting of antiquities. The Cyprus Conflict encompasses and intensifies all of those problems, particularly in the internationally-unrecognised secessionist state in the occupied territory.

Thus, this chapter explores how the structure of the Cyprus Conflict, and the actions of the cultural heritage professionals and law enforcement officials in that conflict zone, cause and/or counter threats to the country's cultural heritage, from the destruction of historic buildings by ultranationalists to the looting of archaeological sites by metal-detecting hobbyists. It exposes how organised crime, political violence and archaeological politics combine to prevent archaeologists' fulfilment of their professional responsibilities.

### THREATS TO CYPRIOT CULTURAL HERITAGE

Threats to cultural heritage in the Cyprus Conflict encompass every aspect of the destruction of cultural property and the trade in illicit antiquities. However, because northern

Cyprus is both an occupied territory and a secessionist state, because the Turkish Cypriot citizens of the Republic of Cyprus are neither members of the Greek Cypriot community that controls the competent national authorities nor citizens of the Turkish state that maintains the occupation, they are (or can be) denied both legal rights and legal responsibilities.

This chapter first reviews the status of the problematic activities – development, political violence and looting – and the relevant cultural property law in the south and the north. Then, it considers the use of amnesties for and rescue of looted antiquities in order to control the illicit trade and salvage black market material. Subsequently, it contemplates the nature of organised crime, focusing on the political economy of crime and violence in northern Cyprus, and the consequent powerlessness of cultural heritage workers to protect the cultural resources for which they are responsible. It concludes by looking at (non-)cooperation between the communities' police services, structural barriers to cultural heritage policing in the north, and political activity that prevents professional action, thereby imposing neglect and decay.

## **Development**

While renovation and recycling of existing buildings and ruins is part of the inhabitation of historic places (and their archaeology) everywhere, the expansion of the Greek Cypriot economy and the urbanisation of the 1960s led to 'unplanned urban development', which involved 'extensive demolitions of old buildings in historic cores' (Enotiades, 2004: 24). In addition, tourism was 'centr[al]' to the south's post-war 'economic miracle' recovery between 1976 and 1984 (Panayiotopoulos, 1995: 28; 33). The concomitant development further 'disfigured... much of the major towns... and the coastline' (van der Werff, 1989, p.15), wherein many of their historic buildings did not survive.

The editor of Turkish Cypriot newspaper *Kıbrıs*, Reşat Akar, has described the north as ‘a country where no control exists’ (Parikiaki, 2011). For instance, against the wishes of the local community, the Turkish Cypriot administration has imposed mass infrastructure and electrification in order to enable mass tourism within the Natural and Archaeological Site Zone of the Karpas peninsula, where there is increasing illegal construction (Türk Ajansı Kıbrıs, 2013).

### **Political violence**

There has been massive destruction of the cultural and community property of Greek Cypriots and Turkish Cypriots (and their constituent minority communities), dating at least as far back as the Greek Cypriot burning of the Turkish Cypriot cemetery and the Turkish Cypriot burning of the Greek Cypriot cemetery in Vasilia/Vasilya in 1955 (CO 926/184, cited in Asmussen, 2001, p.-225n74). Likewise, secular community places have been devastated, such as many entire villages, primarily Turkish Cypriot ones, that were burned between 1955 and 1959 (King, 1959: SM24; Kyle, 1984: 7).

Islamic cultural heritage sites in the south continue to be targeted in “unprofessional” torchings such as those of the mosque in Kofinou/Köfünye (Patroclus, 2010) and the Köprülü Hacı İbrahim Ağa Camii in Limassol (Anadolu Ajansı, 2012), and wreckings such as that of the mosque in Deneia/Denya (*Cyprus Weekly*, 2013). However, Christian cultural heritage sites in the north continue to be targeted in *programmatic* demolitions such as those of the Church of Panagia Apagou in Shelones-Banaia (Yüksel, 2007a, p.7; 2007b, p.41; p.46) and the Church of Agia Katerini in Gerani (Christou, 2008), and bombings such as that of the Church of Agios Mamas (United Nations Secretary-General, 2004, p. 3).

Similarly, all communities' vernacular architecture continues to be targeted. For example, in the 1980s, the Greek Cypriot community 'demolish[ed] the entire' Turkish Cypriot village of Eliophotes/Alifodez (Constantinou and Hatay, 2010, p.13); and, in the 2000s, the Turkish Cypriot administration implemented a 'destruction policy' under the 'pretext of renovation' in Rizokarpaso/Dıpkarpaz (Kanatlı, 2007).

### **Censorship in a state of freedom**

When Kofinou Mosque was burned, Greek Cypriot police released the information, then asked journalists not to report it, and all but one media organisation duly suppressed the news. Challenged on the censorship, raising more questions than they answered, the police explained that they only 'realised the "arson attack on mosque" story would be harmful' to the 'national interest' after they had released it (Patroclos, 2010).

This incident suggests that the instruments of the Republic of Cyprus silence politically-inconvenient information concerning violence against cultural and community property, namely violence against minority property; that the organs of the supposedly pan-Cyprian state, including its law enforcement agencies, function to serve Greek Cypriot interests; and that institutions such as the media, which are supposed to hold government to account, actually collude in the misleading of the public. Thus, it is likely that other acts of violence have gone unreported.

### **Looting**

The south still has a significant problem with antiquities looting, especially rural tomb-robbing (Flourentzos and Dietzler, 2007); but the north has endured one of the most

methodical cultural asset-strippings in world history (Miller and Kinzer, 1998). As both local and international cultural heritage professionals have highlighted for decades to no avail, archaeologists in the north lack staff, expertise, funding and resources for cultural property protection (Cormack, 1989, p.34; Dalibard, 1976, p.3; Şevketoğlu, 2000a, p.110; 2000b, p.53; van der Werff, 1989, pp.16-17). Indeed, Turkish Cypriot cultural heritage professionals' deprivation *causes* (or *prevents control* of) decay, theft and destruction of (notably, Greek Cypriot) cultural and religious property (Štěpová, 2002; Štulc, 2002). It is remarkable, then, that this deprivation is deliberately maintained by Greek Cypriot heritage professionals and religious leaders. As is explained in the later exploration of enforced neglect, the Greek Cypriot antiquities department insists that 'any... intervention' is 'illegal' (Flourentzos and Dietzler, 2007) and blocks the closure of discontinued excavations' open trenches (Şevketoğlu, 2000b, p.53).

## BACKGROUND TO HERITAGE CRIME LEGISLATION

In Cyprus, the violation of cultural property law is itself a historic act. Already in the Eighteenth Century it was 'strictly forbidden to take away a single stone' from ancient buildings in Famagusta (Giovanni Mariti, 1769, cited by Walsh, 2010, p.251), but nonetheless common to do so. Legislation evolved. From 1843 onwards, removal of material needed to be licensed. From 1865 onwards, excavations needed to be supervised by officials and finds needed to be recorded. From 1869, excavated finds could not be exported from the Ottoman Empire. From 1874, excavated finds were split between government, landowner and excavator and could be exported with licenses. From 1884, finds' export was once more prohibited under Ottoman law, but that law was not implemented in the by-then-British-administered Ottoman territory (Stanley-Price, 2001, p.269).

Imperial plunder, which was exceptionally legalised for ‘good purpose[s]’ (Walsh, 2010, p.256), and community pillage persisted into the Twentieth Century. There was a specific 1891 Law to Provide for the Preservation of the Ancient Buildings in the Town of Famagusta, also known as the Famagusta Stones Law, which prevented unlicensed interference with any structure that had been built before 1700 (Walsh, 2010, p.256), and a 1898 Famagusta Improvement Law; but material continued to be removed and recycled, though not significantly by the state. From 1905, the British administration protected a growing list of ancient monuments (see Jeffery, 1918, p.13-14), and became increasingly conscientious in its treatment of standing buildings (Tsolakis, 1997 [1981], p.24; Walsh, 2010, p.264). Although the amendment attracted scientific excavators to conduct the work, from 1927, the British colony allowed licensed archaeologists to keep and export half an excavation’s finds (Republic of Cyprus Department of Antiquities, 2005). The colonial system of *partage* of finds between administration and excavators was only ended by the independent republic in 1964; since then, all excavated finds have been retained by the state.

The greatest advance in the protection of cultural property was the British Crown Colony’s 1935 Antiquities Law, which founded the Department of Antiquities. It declared ‘all antiquities lying undiscovered... in or upon any land’ to be state property. It established compulsory systems for the declaration, documentation and licensing of accidentally-found antiquities, and for the excavation and publication of archaeological sites (and the licensing of their finds). It also ruled that: ‘No person shall excavate or cause excavations to be made whether on his own land or elsewhere for the purpose of discovering antiquities without a licence.’ Significantly, the 1935 law ‘implicitly ruled out’ the use of metal detectors (Beith and Flanagan, 1981, p.19).

Both southern Cypriot antiquities law and northern Cypriot antiquities law are updated – and, indeed, still generally similar – versions of the British colonial legislation. However,

there are some key differences in law and policy that cause or even constitute crimes; there are critical problems in the implementation of law and thereby realisation of heritage protection; and looting, political violence, neglect and development continue to threaten the island's heritage.

## SOUTHERN CYPRIOT ANTIQUITIES LAW

### **Metal-detecting in Greek Cypriot-administered areas**

The implicit rule against metal-detecting was made explicit law in the Republic of Cyprus's 1996 amendment: since then, it has been illegal for anyone to 'posses[s] or us[e] equipment for metal detection in archaeological sites, ancient monuments or near [within 500 metres of] ancient monuments, or us[e] such equipment in order to find or detect antiquities'. Metal detectorists' own testimony suggests that there was a great deal of official confusion and detectorist obfuscation regarding that very clear law, which enabled it to be bent and broken.

According to one British detectorist who engaged in metal detecting tourism, who had 'dreams of untold riches', the Trade Centre of the High Commission of the Republic of Cyprus said that metal-detecting was '*no problem*' as long as it was done at least 500 metres away from archaeological sites and finds were reported to the local museum (PO-CO, 2003). Likewise, the Paralimni police force and town hall believed that it was '[l]egal to go metal detecting' except on '[a]ncient sites' (paraphrased by aliciarose, 2010). Another detecting tourist claimed that '90% of the time you need no permis[s]ion to detect on people[']s land', so 'finding relics and coins' was 'a joy' (Gooch, 2009).

The first detecting tourist, who explicitly used a small machine in order to evade observation, asked a police officer acquaintance to explain the relevant law off-the-record. The officer warned him privately that it was ‘illegal to have and use a detector’ with the intention of digging up antiquities (PO-CO, 2003). Therefore, as the detectorist explained publicly, he did not ask the police officially, ‘as it would [have] take[n] away [his] one defense [*sic*]... if arrested’, the earlier, incorrect statement from the Trade Centre (PO-CO, 2003). The detectorist did ask a curator at Larnaca District Archaeological Museum, precisely because, if he needed to, ‘[he] could always walk away without giving too much information about [him]self’ (PO-CO, 2003). Allegedly, the curator initially ‘advised [him] not to bring the detector to Cyprus’ then, after a few coffees, ‘advised [him] to do [his] detecting... early in the morning and try not to let the police see [him]’ (PO-CO, 2003).

Across years, metal detectorists judged that the ‘badly informed’ police dealt with detectorists ‘depending on who [the detectorists] are and how [the officers] feel’ (PO-CO, 2003; see also bill, 2010). Ultimately, foreign detectorists learned that ‘searching for modern losses’, in other words not explicitly searching for ancient artefacts, was ‘allowed’ away from listed monuments (swissrolly, 2012). Hence, the Republic of Cyprus eventually passed the 2012 Antiquities (Amendment) Law, which criminalised the unlicensed possession and/or use of metal detectors (and other detecting and prospecting devices that scientifically measure geophysical conditions), and the use of licensed detecting devices outside officially-designated zones. (Government officials, security forces, armed forces and other professionals are permitted to use detecting devices for professional purposes.)

### **International antiquities import restrictions**



Building on the United States' unilateral emergency import restrictions (United States Customs Service, 1999), since 2002, there has been a periodically revised and renewed memorandum of understanding on antiquities import restrictions between the Republic of Cyprus and the United States of America, wherein antiquities can only be imported into the U.S. with certification of legality from the Republic of Cyprus. Initially, there were only restrictions on imports of pre-Classical and Classical antiquities (United States of America and Republic of Cyprus, 2002); then, Byzantine cultural goods were included (USA and Republic of Cyprus, 2006; 2007); and now, the restrictions encompass post-Byzantine cultural property as well (Embassy of the United States in Nicosia, Cyprus, 2012). Since 2010, there has been a Memorandum for the Prevention of the Theft, Clandestine Excavation and Illicit Import and Export of Cultural Property between the People's Republic of China and the Republic of Cyprus (Republic of Cyprus Department of Antiquities, 2010). This year, the Swiss Federal Council and the Republic of Cyprus concluded a mutual import regulation, so that only licensed antiquities exports from Cyprus could be imported to Switzerland (Swiss Federal Council and Republic of Cyprus, 2013).

## NORTHERN CYPRIOT ANTIQUITIES LAW

The Turkish Cypriot administration's exceptional legal status has produced exceptional law, or at least exceptional legal arguments. Soon after declaring itself the Turkish Federated State of Cyprus (TFSC/Kıbrıs Türk Federe Devleti (KTFD)), the Turkish Cypriot administration passed three pieces of legislation relevant to cultural property – the Abandoned Movable Property Law, the Abandoned Immovable Property Law and the Antiquities Law.

The Abandoned Movable Property Law (Kıbrıs Türk Federe Devleti, 1975a) ruled that ‘in the name of the Turkish Cypriot community, [the Turkish Federated State of Cyprus, which became] the Turkish Republic of Northern Cyprus is responsible for the possession and control of ownerless movable properties’ ownership titles [Sahipsiz taşınır malların mülkiyet hakkı Kıbrıs Türk toplumu adına Kuzey Kıbrıs Türk Cumhuriyeti yetkili makamı bu taşınır malların tasarruf ve kontrolünden sorumludur]’. The Abandoned Immovable Property Law put all property ‘that belongs to people whose identity or whereabouts are unknown or that is found in an abandoned state [kimliği veya nerede olduğu bilinmeyen kişilere ait veya terk edilmiş durumda bulunan]’ (Kıbrıs Türk Federe Devleti, 1975b) under the ‘care, control and management’ of the state (Internal Displacement in Cyprus, n.d.).

The Antiquities Law asserts that ‘assets that are known to exist on property and land or else all other kinds of monuments, and all movable and immovable antiquities, that come to light in the future, on land belonging to the state and property under the ownership of private persons or legal entities, are the state’s property [Devlete ait arazi ve emlak ile özel ve tüzel kişilerin mülkiyetinde bulunan emlak ve arazide varlığı bilinen veyahut ileride meydana çıkacak olan her türlü anıtlar, bütün taşınır ve taşınmaz eski eserler Devletin malıdır]’ (TKFD, 1975c: Art. 3). Possessors of illicit antiquities have based their claims of legal ownership or, more precisely, their rejections of the original owners’ claims of legal ownership, on the internationally-unrecognised state’s declaration of the nationalisation of cultural property, but the antiquities’ illicit possessors’ claims have been rejected (see United States Court of Appeals, Seventh Circuit, 1990).

### **Metal-detecting in Turkish Cypriot-administered areas**

More recently, the administration amended its Antiquities Law. It established that ‘the import [or] possession of an unlicensed metal detector or similar detecting device that is used and/or could be used in the location of ancient sites that are found on the surface, underground or underwater, and its use to find antiquities or with intent to find antiquities, is a crime [Yerüstünde, yeraltında veya sualtında bulunan eski eselerin saptanmasında kullanılan ve/veya kullanılabilen metal dedektör ile benzeri araç-gerecin izinsiz olarak tasarrufu, ithali ve eski eser bulmak veya aramak amacı ile kullanılması suçtur]’ (Kuzey Kıbrıs Türk Cumhuriyeti, 1994: Art. 40 – author’s translation).

Despite that still clearer law, at least one British metal-detecting tourist found that ‘the Turkish Embassy was quite happy to allow detecting on beach or land’ as long as the detectorist had the landowner’s permission and declared their finds rather than ‘smuggled [them] out of the country’ (UK Brian, 2008).

## ILLCIT ANTIQUITIES AMNESTIES AND RESCUE

The 1905 law ‘require[d]’ and, concomitantly, *allowed* ‘all private collectors to register their collections with the government’ (Ainsworth, 2008: 13), regardless of how those collectors formed those collections. Likewise, despite the fact that the 1905 law had both reaffirmed the illegality of unlicensed excavation and/or possession of antiquities and established an official record of legal collections, the 1935 law required/allowed private collectors to document, register and thus legalise their illicit collections within four months of its passing.

## **Greek Cypriot-administered universal illicit antiquities amnesties**

In 1973, for the third time on the island but for the first time as an autonomous local policy, a six-month-long ‘period of grace’ was ‘given to all private collectors to declare their collections’ in order for the Greek Cypriot-controlled government to ‘control’ illicit dealers and ‘diminish illicit dealing’ (Karageorghis, 1973, p.4). Regardless of whether a newly-declared antiquity had (demonstrably) ‘been obtained or acquired in contravention’ of any other clause or law, the Republic of Cyprus staked ‘no claim to such antiquity’ and took ‘no proceedings in respect of such antiquity... against any person... in possession of such antiquity’ (Republic of Cyprus, 1973: Art. 33, Para. 2). Yet again in 1996, the Republic of Cyprus held a six-month-long ‘universal amnesty’ for private collectors to declare illicit collections, under which ‘no confiscations [were] made of any artefacts’ (Paraskevaides, 2008; see also Flourentzos and Dietzler, 2007).

UK-based Greek Cypriot antiquities collector-dealer Efthymoulos “Eftis” Paraskevaides (2008), who made clear that ‘[n]o reputable collector on the island would dream of dealing with illegally excavated material’, judged the amnesty a way ‘to bring the black market in antiquities on the island to an end’. His father, George Paraskevaides, had “surfaced” his collection’ with ‘no questions asked’ through the amnesty in 1973 (Paraskevaides, 2007); and he had ‘availed [him]self of the opportunity’ of the amnesty in 1996 (Paraskevaides, 2008). The Republic of Cyprus praised both men for ‘embracing and promoting... the rule of law and respect for cultural heritage’ (Kozakou-Marcoullis, 2011).

### **Greek Cypriot-organised secret illicit antiquities rescue**

While the Greek Cypriot sector of the economy had continued to grow through the 1960s, the Turkish Cypriot sector had collapsed, and the enclaved Turkish Cypriots were dependent upon aid for survival (Panayiotopoulos, 1995, p.23), so there was an explosion in subsistence

digging of antiquities in the Turkish Cypriot community. Thus, the 1973 amnesty was the (intended) end point of a ‘silent accord’ between the Greek Cypriot-managed antiquities department and the island’s Greek Cypriot private collectors (Karageorghis, 1999, p.17; see also Karageorghis, 2007, p.102), wherein the state supported the violation of its own law, then legalised private collectors’ illicit purchases of looted antiquities. The amnesty was supposed to rescue antiquities that had already been looted by Turkish Cypriots; but at least one of the few existing collectors hired looters to strip-mine archaeological sites, and more than a thousand other people established collections in order to exploit the opportunity (Hadjisavvas, 2001, p.135).

### **Turkish Cypriot-administered conditional illicit antiquities amnesties**

After the establishment of the occupation, the only economy in the north was the black market and the export trade, so historic buildings and archaeological sites were looted throughout the region (Pollis, 1979, p.98). The Turkish Cypriot administration soon held an antiquities amnesty similar to the Greek Cypriot administration’s amnesty, except the Turkish Cypriot administration did it suddenly, briefly and without government collusion with private collectors. In general, ‘people who collect[ed] antiquities [were] obliged to take an inventory and provide the nearest museum administration with... [the inventory of] the antiquities that [had] entered their collections [eski eser koleksiyonunu yapan kişiler, koleksiyonlarına giren eski eserlerle... bir envanterini çıkararak en yakın müze idaresine vermekle yükümlüdürler]’ within three months (Kıbrıs Türk Federe Devleti, 1975c: Art. 54, Para. 1); but ‘those who [had] antiquities licences’ already ‘[were] obliged to provide an inventory of the antiquities... to the Ministry [eski eser ruhsatnamesi almış olanlar... eski eserlerin envanterlerini Bakanlığa

vermekle yükümlüdürler]’ within one month (Kıbrıs Türk Federe Devleti, 1975c: Art. 54, Para. 2).

The Turkish Cypriot administration also offered highly conditional amnesties in 1994 and 2001. The amnesties only lasted one month and those ‘who were found’ *during the amnesty* ‘in a police raid in possession of a large quantity of antiquities [bir polis baskını ile tasarrufunda külliyetli miktarda eski eser bulunduğu saptananlara]’ were not protected by the amnesty (Kuzey Kıbrıs Türk Cumhuriyeti, 1994: Art. 52, Para. 2, Sub-Para. 1; 2001: Art. 52, Para. 2, Sub-Para. 1 – author’s translation).

Those ‘who [were] in the process of applying to the Ministry for a collecting licence [koleksiyonculuk izni almak için Müdürlüğe başvuruda bulunmaları halinde]’ during the amnesty were eligible for consideration for a licence; but ‘those who [did] not want to be collectors and/or those who [were] not seen to be appropriate [koleksiyoncu olmak istemeyenler ve/veya uygun görülmeyenler]’ had to deliver their antiquities to the Ministry within the month; and ‘those who [were] captured by the police [were] excluded from the scope of this [amnesty] [polis baskınında ele geçirilenler bu kapsamın dışındadır]’ (Kuzey Kıbrıs Türk Cumhuriyeti, 1994: Art. 52, Para. 2, Sub-Para. 2; 2001: Art. 52, Para. 2, Sub-Para. 2 – author’s translation). Nonetheless, despite the theoretically stricter law under the Turkish Cypriot administration, and despite the Turkish occupying power’s internationally-observed engagement in anti-trafficking policing (van der Werff, 1989: 9), the harm to Cypriot cultural heritage has been far greater.

## ILLICIT ANTIQUITIES IN A DEEP STATE ECONOMY

Organised crime is a locally-complicated, geopolitically-divergent phenomenon. It is not simply any illicit earning through racketeering by bribery, extortion, counterfeiting or

embezzlement, or illicit business through provision of illicit goods and services such as drugs and prostitution (Bovenkerk and Yeşilgöz, 2007, p. 18; Fijnaut *et al*, 1998, p.13). Organised criminal entities may be hierarchical or networked, and may be purely commercial associations or more social structures, but they will primarily pursue illegal profits (rather than legal profits or political aims). Their crimes will systematically target, disrupt and/or subvert whole markets or societies (rather than victimise individuals), for example by controlling a territory. And their agents will be required, willing and able to use corruption and violence to hide or protect their activities. So, if they become powerful enough, they will constitute a state within a state (Fijnaut *et al*, 1998, p.26-32).

### **Organised crime gangs and deep state structures in Turkey and northern Cyprus**

In Turkey, there is a convoluted mass of organised criminal and political extremist activity. It forms a source, transit point and/or market for trafficked drugs, arms, people, antiquities and other commodities. There are hierarchical, networked and mixed-method operations (where organisations that normally control the line from source to market employ or partner with locally-established groups for distribution), which sometimes involve otherwise independent operators. There are commercial, familial, ethnic and social structures, which sometimes engage in local and international collaborations along or across ethnic or political lines. As well as non-ideological gangs, there are political organisations from the Kurdish nationalist Kurdistan Workers' Party (PKK), to the communist Revolutionary Left (Devrimci Sol), to Islamist Turkish/Kurdish Hizbullah, to the Turkish fascist Grey Wolves. And Turkish police and military intelligence use or run heroin-smuggling mafia in order to fund paramilitary operations or to conduct extrajudicial state activities (Boekhout, 1998; Nezan, 1998). Indeed, the Turkish government has become so 'dependent on the European

drugs revenue' for financing its war with the Kurdistan Workers' Party (PKK) that some criminologists have 'wondered whether the label of organised crime should not be replaced with... *state organised crime*' (Bovenkerk and Yeşilgöz, 2007, p.15).

'Well-known names in the smuggling of antiquities' from northern Cyprus include the Turkish Cypriot ultranationalist paramilitary fighter and Turkish intelligence officer Tremeşeli Mehmet Ali İlkman (*Yeni Düzen*, 1<sup>st</sup> February 2008, cited in Republic of Cyprus Press and Information Office, 2008). And İlkman's boss was Turkish antiquities thief-and-smuggler and heroin smuggler Aydın Dikmen (Christou, 2006). So while in other countries with powerful organised crime structures, such as Italy, mafias may "licence" and "tax" (rather than organise) the illicit antiquities trade (Nistri, 2011, p.187), certainly in Turkey and Turkish-occupied northern Cyprus the smuggling of antiquities is bound up with the smuggling of other commodities within an organised criminal and deep state economy.

### **Archaeologists' powerlessness in a state of corruption and deep state usurpation**

Archaeologists in northern Cyprus are practically powerless to fight big business and bigger politics. In 2009, ahead of the multi-million-euro Noah's Ark hotel development in Vokolida/Bafra, archaeologists internally complained to the Department of Antiquities and Museums and the Presidency that the Chapel of Agia Thekla was falling apart and dangerous, and petitioned for its restoration (*Kıbrıs Postası*, 2011). The hotel's construction contractors, Eksen İnşaat, supported the archaeologists' plan to preserve and incorporate the chapel.

Yet, in 2011, having been declared dangerous but not restored, the Chapel of Agia Thekla was demolished. Only the worker who operated the bulldozer was arrested. A former Deputy Director of the Department of Antiquities and Museums, Tuncer Bağışkan, judged the



destruction ‘closely related to the issue of Turkifying and Islamizing Cyprus’ (*Parikiaki*, 2011).

All too frequently in northern Cyprus, heritage criminals are not caught; or, if they are caught, they are not prosecuted, not convicted or not (effectively) punished, even if they are ‘caught red-handed in historic artefact smuggling [Tarihi eser kaçakçılığına suçüstü]’ (*Star Kıbrıs*, 2007 – author’s translation). That is because organised crime and “deep state” (ultranationalist terrorist) gangs have taken over the illicit antiquities trade and infiltrated the state.

When a Turkish Cypriot journalist investigated state elements’ robbery of the Monastery of St. Barnabas in Famagusta, he was murdered. The regional police’s chief investigative officer supported Kutlu Adalı’s claims about the theft, and his wife’s claims about his death, but no-one was punished for either (Irkad, 2000). In such circumstances, archaeologists and their allies in northern Cyprus are unfree; they do what they can, but they are very limited in what they can do. They may have the freedom to conduct conservation work (if not the practical resources and the legal protection), and they may have the freedom to condemn inappropriate or unprofessional development, but they do not have the same freedom to raise awareness about looting and to name-and-shame looters.

## (NON-)COOPERATION IN HERITAGE CRIME POLICING AND INTERCOMMUNAL POLICING

Cypriot heritage crime policing is further constrained by other aspects of the conflict. Neither the Greek Cypriot administration nor the Turkish Cypriot administration recognises the other as a legal entity. Thus, the Republic of Cyprus (ROC) ‘will not hand over any evidence for the purposes of conducting a trial in the north’; the Turkish Republic of

Northern Cyprus (TRNC) ‘do not allow for the handing over of any Turkish-Cypriot suspects to any authorities in the south’ and the ROC will not lend the TRNC legitimacy by requesting anyone else’s extradition; there is neither ‘police [nor] evidentiary cooperation’ (UNFICYP Deputy Senior Police Advisor Commander Colin Speedie, 25<sup>th</sup> October 2006, cited by European Court of Human Rights, 2009). There is a mutual ‘refusal’ to cooperate, wherein each side constitutes a ‘safe haven’ for perpetrators of crimes on the other side (Güzelyurtlu *et al*, 16<sup>th</sup> August 2007, cited in European Court of Human Rights, 2009).

Despite remarkable reports that Turkish Cypriot police officers have occasionally ‘driv[en suspects across] the Green Line so that interpol [*sic*] can catch them’ (Durduran, 2006), non-cooperation is not a crowd-pleasing performance, during which the problems are resolved behind the scenes. ‘Greek Cypriot police’s refusal to cooperate with the Turkish Cypriot police’ (Bahceli, 2009; Hürriyet Daily News, 2009), and *vice versa*, has been repeatedly documented. The United Nations has observed the ‘lack of cooperation between the sides’ (United Nations Secretary-General, 27<sup>th</sup> May 2005, cited by European Court of Human Rights, 2009).

Heritage crime policing is also constrained by a combination of the law enforcement agencies’ non-cooperation and the Greek Cypriot police’s own regulations. Undercover police investigations into illicit antiquities smugglers and dealers are legal in the north but illegal in the south. Greek Cypriot police appealed for the legalisation of undercover police work on ‘[i]llegal trading in cultural goods, including antiquities and artefacts’; but the Greek Cypriot parliament ‘unanimously rejected’ the request (Theodoulou, 2008).

Thus, perversely, smugglers and dealers of stolen Cypriot art and antiquities must risk getting (and do get) caught in sting operations in northern Cyprus and throughout their Western markets, but they are legally guaranteed that any buyer in southern Cyprus is not a

law enforcement agent. And there are many such buyers: practically since the establishment of the occupation, there has been ‘a well-funded market in the south for items coming from the north’ (van der Werff, 1989, p.11).

Since it is legally guaranteed, antiquities smugglers may believe that they can operate in the south without any risk of dealing with an undercover officer. Instead, it seems that Church-and-state run *illegal* undercover antiquities police operations. One of its undercover agents, Stephanos Stephanou, was sent to the north to conduct a sting operation against a Turkish antiquities smuggling gang. Tragically, it was one that he had lured to the south and busted before; it lured him to the north and ran a counter-sting against him. The Turkish Cypriot police, unaware of the machinations, raided the sting-and-counter-sting and arrested all involved. Despite being caught with illicit antiquities in their possession, the Turkish Cypriot suspects were all released; but Stephanou was detained. The Greek Cypriot authorities knew that he was in Turkish Cypriot detention, but they did not explain his anti-trafficking activity to the Turkish Cypriot police, and he remained in detention until he had a fatal, beating-induced heart attack (Hardy, 2011, pp. 210-215).

Policing is further undermined by non-police institutions’ response to the crisis. There has been and continues to be a parallel, Church-and-state(-and-proxy) policy to buy back looted antiquities off the black market (cf. Anagnostopoulou, 2000: 25; 37; Georgiou-Hadjitofi, 2000: 231; Karageorghis, 2000: 218), thus underwriting the trade, thereby ultimately funding the gangs and paramilitaries that control the trade.

## INTERNATIONAL ASSISTANCE IN NORTHERN CYPRIOT CRIME PREVENTION

While, for example, the United States Agency for International Development (USAID) and the United Nations Development Programme (UNDP) have been active in cultural

heritage conservation in the north, the United Nations Educational, Scientific and Cultural Organisation (UNESCO) has been unable to engage in cultural heritage protection. UNESCO has repeatedly lamented that ‘it has not been possible to provide sufficient documentary details to publish notices of stolen cultural property and circumstances have not permitted a mission to the northern part of the island to seek detailed information’ on theft and trafficking of cultural property (for example, United Nations Educational, Scientific and Cultural Organisation Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, 1996, p.5). Naturally, these impossibilities have hindered the policing of those crimes.

UNESCO’s Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation has documented why it (and the international community in general) has not been able to directly or materially support policing of cultural property crime in the north. When one of its delegates highlighted the persistent problem of art and antiquities theft and trafficking in the north, another of its delegates reminded it that, ‘as a Specialized Agency of the United Nations system, [UNESCO] was bound by Security Council resolution 541 (1983)’, which declared the Turkish Republic of Northern Cyprus (TRNC) to be an illegal entity, ‘and could not therefore carry out a mission in [northern] Cyprus’ (United Nations Educational, Scientific and Cultural Organisation Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, 1999, p.4).

Similarly, while Greek Cypriot police receive training from and work with EUROPOL and INTERPOL as appropriate, Turkish Cypriot police cannot receive training from either (or from the European Police College (CEPOL)) and they can only work with EUROPOL and INTERPOL through the Turkish police. Thus, Turkish Cypriot antiquities police (and allied

agencies), which already face a greater criminal threat with fewer resources, also have a lower technical capability to act locally and a lower organisational capacity to act internationally. Furthermore, the TRNC has no extradition treaty with any other country (Jones, 2008).

## ENFORCED NEGLECT

Europa Nostra (1987, p.1) has long asked the Turkish authorities ‘to act to prevent further damage and destruction and to allow inspection by Cypriot experts familiar with the monuments, or at least by [appropriate international] experts’. The Greek Cypriot authorities have protested that archaeological sites are being wrecked by ‘[t]he rain, the wind and the weeds... plundering and theft’ (Republic of Cyprus Press and Information Office, 1997, p.35), that ‘Christian churches... ancient monuments... [are being] neglected to collapse in ruins’ (Flourentzos and Dietzler, 2007); and they have accused UNESCO of ‘using the excuse of needing the approval of “both sides”’ in order not to intervene to protect cultural heritage in the occupied areas (van der Werff, 1989, p.5). In addition, uniquely amongst religious, cultural and national lobbies in the European Union, the Representation of the Church of Cyprus to the European Institutions (2013) has an explicit (and primary) remit to campaign against the destruction and theft of religious (Orthodox Christian Cypriot) artefacts.

Yet the Greek Cypriot authorities have simultaneously argued that ‘any archaeological activity or intervention on cultural heritage monuments in the occupied area is illegal’ (Flourentzos and Dietzler, 2007). This incredible legal limbo produces an enforced neglect, wherein local cultural heritage professionals are accused of unprofessional conduct and heritage crime both if they conduct emergency work and if they do not (cf. Şevketoğlu, 2000b, p.56). The Church of Cyprus blocked the bicomunal restoration of one of its own

landmark buildings, the Monastery of Apostolos Andreas, for more than a decade, until the building was so dangerous and the Turkish Cypriot authorities were so exasperated that Turkish Cypriot cultural heritage professionals started to preserve the building unilaterally (Evrpidou, 2013), whereupon the Church finally agreed to the monastery's salvage.

Similarly, the Greek Cypriot and Turkish Cypriot mayors of Famagusta, Europa Nostra, the European Commission and the United Nations all supported a bicommunal preservation programme for the historic city. Yet, when the city secured a place on the World Monuments Fund's World Monuments Watch (List of Most Endangered Sites), the southern Cypriot antiquities department condemned it as an 'adverse' development (antiquities director Pavlos Flourentzos, cited in Bahceli, 2007). That appears to be because it would help to break the archaeological boycott on the north and secure international assistance for Famagusta's preservation.

## CONCLUSION

Cultural heritage is threatened both sides of the Green Line, but primarily in the north. Manifestly, the internationally-unrecognised (and unrecognisable) nature of the administration, the power of the nationalist occupying force, and the impunity of organised criminals and political extremists constitute the foundation of the threat; and they pose the greatest threat to Greek Cypriot and other Christian minority cultural property. Nonetheless, the politically-expedient nationalism of Greek Cypriot heritage professionals and community leaders in the south consolidate those threats, and sometimes even enable or create them, through the boycott of emergency cultural heritage work.

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