

Allocation of Religious Space in Cyprus

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Abstract

This paper evaluates the Republic of Cyprus' legal framework and the society's tolerance in regards to the allocation of religious space. What we argue is that with respect to the legal framework, the allocation of space for the building of places of worship is directly connected to the right of religious freedom, viewed as both a fundamental right and as an aspect of organisational religious freedom. Insofar as society's tolerance is concerned, this paper examines five different cases of religious space allocation. The case studies clearly indicate that the allocation of religious space, including the erection of places of worship, provoke criticism and occasionally strong public reactions. It is found that the reaction by organised groups has been more intense in recent years with respect to the erection of places of worship of the majority religion. Concerning the places of worship of minority religions, there are sufficient indications that the most intense forms of intolerance do not occur between majority and minority groups, but rather between the minority groups themselves.

Keywords: Cyprus, religion, religious tolerance, religious space, religious freedom, respect, Muslim, Orthodox, Jewish

Introduction

The aim of this paper is twofold: to discuss and evaluate the current legal framework in the Republic of Cyprus with respect to the allocation of religious space, and to examine the society's tolerance and respect towards this issue.

The first part of the paper sets out the main societal facts and boundaries of the study, which include, *inter alia*, the territorial applicability, religious distribution of the population and the degree of 'religiousness' of Cypriots. The second part of the paper clarifies the notions of religious freedom, tolerance and respect and the interaction between them in regards to the allocation of religious space. The process of building places of worship is assessed both as a fundamental right, and as an aspect of organisational religious freedom of religious communities. It is therefore argued that space allocation for the building of places of worship is directly connected to the right of religious freedom and the respect of other religions associated with that right.

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The third part discusses the planning law exemption to the right of religious communities to build places of worship, arguing that the application of planning law so as to discriminate, either directly, or indirectly, against any religious organisation is prohibited, as this would amount to a violation of the organisational religious freedom of the affected religious organisations. Finally, the paper examines several cases regarding the erection of places of worship, for both the minority and majority groups, which include a case of Jehovah's Witnesses religious space, the case of the Synagogue in Larnaca, and the cases of the Paphos and Nicosia Cathedrals. In addition, the paper evaluates the conflict between Muslim communities with respect to the use of the only currently active Mosque in Nicosia, namely the Omeriye Mosque.

The case studies provide a clear indication that the allocations of religious space as well as the erection of places of worship, may, and do, provoke criticism and sometimes strong reaction from the public and civil organisations. Such reactions do not arise only when the places of worship are to be erected or used by groups of minority religions, but also when they are to be erected by the majority religion of the island as well.

Basic Societal Facts

Territorial Applicability of the Case Studies

The analysis presented in this paper refers exclusively to the government-controlled areas, and not to the areas occupied by Turkey since the 1974 invasion.² This is, *inter alia*, due to the fact that the European Convention on Human Rights, rule of law and the *acquis* apply in the government-controlled areas, whereas none of these considerations apply with respect to the areas being under military occupation. This study does not therefore deal with the, more than 500, churches, chapels, temples and monasteries which are situated in the occupied areas.³

In the areas not controlled by the government the vast majority of the population are Turkish Muslims. Thus, when this paper examines the places of worship for the Muslim population in Cyprus, this does not refer to the Muslim population currently residing in the occupied areas, nor at the places of worship there; rather it refers to the Islamic population who currently reside in the government-controlled areas (most of which are immigrants from Islamic countries, other than Turkey, and only a small minority of which are Turkish Cypriots).

2 Cyprus became a full member of the European Union on 1 May 2004. However, the application of the *acquis communautaire* in the occupied areas has been suspended until a solution to the Cyprus Problem is found.

3 For further information on the conditions of Christian religious spaces in the areas not controlled by the government see D. Demosthenous (2000) *The Occupied Churches of Cyprus*, Nicosia: Monastery of Kykkos; C. Chotzakoglou (2008) *Religious Monuments in Turkish Occupied Cyprus*, Nicosia: Monastery of Kykkos.

Population and Religion

Since 1974, providing precise figures with respect to the population of Cyprus has presented certain difficulties due to the abnormal situation prevailing on the island. The Statistical Service of the Republic of Cyprus has estimated, however, that by the end of 2009 the population of Cyprus was 892,400, out of which 672,800 (75.4%) belonged to the Greek community, while 89,200 (10%) belonged to the Turkish Community.⁴ The remaining 136,400 (14.6%) are foreign residents, mainly from Greece and Britain, but also from Russia, the Philippines, Sri Lanka, Romania and Bulgaria.⁵ Overall, it is estimated that 82% of the total population of Cyprus (excluding the Turkish settlers) are Orthodox Christians, 13% are Muslims,⁶ 2% are Roman Catholics, 1% are Anglicans, 0.7% are Maronites and 0.4% are Armenians, while the remaining population adheres to other religions or rites including Jews, Buddhists, Protestants, Jehovah's Witnesses, or atheists. It is further estimated that approximately 2,000 Cypriots are Orthodox Christians who follow the Old Calendar. It is worth noting that with the exception of few agnostics, atheists, or naturalised foreign citizens, members of Greek origin normally adhere to the Greek Orthodox religion.

Society and Religion

According to Eurobarometer (2005), the Republic of Cyprus is one of the most religious countries in the European Union, with over 90% of Cypriots in the government controlled areas declaring that they believe in God. Similarly, the 1998 International Society Survey Programme (ISSP) survey suggested that Greek Cypriots show confidence in the Orthodox Church and other religious organisations and while there are small minorities of atheists and agnostics, the great majority of the population declares that they believe and have always believed in God. No indication of strong shifts of religiosity during the lives of Cypriots was revealed during the survey. In line with the earlier surveys, the Cyprus Human Development Report (2009) provides evidence that young Cypriots appear to be more religious than their European counterparts. In particular, in the question 'Do you believe in God?', the vast majority (94%) replied 'Yes', 5% replied 'I am not sure' and only 1% replied 'No'. Indicative of the vast difference with other

4 The actual number of Turkish Cypriots residing in Cyprus is difficult to estimate with precision. The Statistical Service of the Republic of Cyprus (2009) estimates that since 1974 there has been a decrease of the Turkish Cypriot population by 31,000 or 26%. Estimations of the number of settlers currently residing in Cyprus also vary. The Statistical Service (2009) estimates the number at 160,000 – 170,000. Earlier sources estimate the number at around 114,000 (See Council of Europe, 2 May 2003, Doc. 9799, *Colonisation by Turkish Settlers of the Occupied Part of Cyprus* (Rapporteur Mr Laakso). It must be noted that the settlers are not included in any estimation of the current population of Cyprus.

5 Source: Statistical Service of the Republic of Cyprus (2009) *Demographic Report 2009*. Nicosia: Printing Office of Republic of Cyprus.

6 Who, as already stated, predominantly reside in the areas not controlled by the Republic.

European states is the fact that the percentage of young persons who believe in God in Germany is 45.1% and in Britain 31.15%.⁷

Religion undeniably has a central place in Cypriot society. Cypriots, whether they are Orthodox, Muslim, or belong to smaller religions or denominations, consider their religious beliefs as an essential part of their identity. The centrality of religion in Greek-Cypriot society is also evident from the fact that the overwhelming majority of Cypriots feel that religious leaders should not attempt to influence government decision-making, but at the same time they also reject the view that Cyprus would be in a better position if religion were any less influential.⁸

Greek Cypriots specifically attend religious services regularly, confess to religious ministers and adhere to periods of fasting. That said, the number of Cypriots regularly participating in church activities, other than religious services, is relatively low. Interestingly, while the vast majority of young Greek Cypriots believe in God, according to the Cyprus Human Development Report (2009), only 6% of the youth goes to church once a week, 22% once a month, 51% only on important religious days, 11% once or twice a year, 8% seldom and 1% never.⁹

Turkish Cypriots, like most Turkish nationals, are followers of Sunni Islam. Within Sunni Islam, Turkish Cypriots have traditionally followed the Hanafi school of legal interpretation, a rather austere variety of Islam. They were among the first to adopt Atatürk's prohibition of Arabic in religious services and to use the Quran in Turkish translation. Since Atatürk's death, Turkish Cypriots have generally followed the religious practices of Turkey. That said, Turkish Cypriots are much more secular than Turks;¹⁰ indeed, as Yesilada notes, 'Turkish Cypriots represent some of the most secular Muslims in the world'.¹¹ It is worthy of comment here that Turkish Cypriots, unlike Muslims originating from other Islamic countries, mostly favour a secular state due to the strong influence of Kemalism in Turkish-Cypriot religious affairs. Although there is some fasting during the month of Ramadan, moderate attendance at the Friday prayers and widespread observation of the holy days, few Turkish Cypriots are considered to be orthodox Muslims. Indeed, most days they live an 'unorthodox' life; indicatively, Turkish Cypriots do not generally abstain from alcohol as standard Muslim teaching requires, but rather follow traditional Mediterranean drinking customs.¹²

7 Source: Cyprus Human Development Report (2009), *Youth in Cyprus: Aspirations, Lifestyle and Empowerment*, available at [http://hdrundp.org/en/reports/nationalreports/europethecis/cyprus/cyprus_hdr_2009_en.pdf], accessed on 11 May 2011.

8 Source: ISSP Surveys (1998) *International Social Survey Programme: Religion II*, available at [<http://www.esds.ac.uk/findingData/snDescription.asp?sn=4482>], accessed on 11 May 2011.

9 *Ibid.*

10 Recent reports might suggest a growing inflow of Turkish Islamists in the Turkish-Cypriot Community.

11 B. Yesilada (2009) 'Islam and the Turkish Cypriots', *Social Compass*, Vol. 56, No. 1, pp. 49-59.

12 See further, A. Emilianides (2005) 'Islamic Faith as One of the Main Religions: The Case of Cyprus' in Institute for State-Church Relations, (ed.), *Islam in Europe*. Bratislava: Institute for State-Church Relations, pp. 220-228;

Allocation of Religious Space and Religious Freedom

Religious Freedom, Tolerance and Respect

Article 18 of the Constitution of Cyprus safeguards the right of religious freedom, including the freedom of religious conscience and freedom of worship. The aforementioned article corresponds in many ways to article 9 of the European Convention of Human Rights, but it is more detailed, while its provisions cover sectors which are not recorded in article 9. Article 18 § 1 provides that every person has the right to freedom of thought, conscience and religion. Such right is far-reaching and profound. Freedom of thought, conscience and religion is safeguarded for any person, whether a believer or an atheist, a citizen or a non-citizen of the Republic of Cyprus. Conscience and religion are thus not confined to the belief of the relation of a human being to a Creator. Religion or conviction refers to theistic, non-theistic and atheistic convictions. It includes convictions such as agnosticism, free thinking, pacifism, atheism and rationalism. It is therefore, not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to traditional religions.¹³

The Supreme Court of Cyprus has specified that Article 18 of the Constitution safeguards religious freedom, which is not to be confused with religious tolerance. It was held that:

“Tolerance as a legal concept is premised on the assumption that the State has ultimate control over religion and the churches, and whether and to what extent religious freedom will be granted and protected is a matter of state policy. The right of religious liberty is a fundamental right. The days that oppressive measures were adopted and cruelties and punishments inflicted by Governments in Europe and elsewhere for many ages, to compel parties to conform in their religious beliefs and modes of worship to the views of the most numerous sect, and the folly of attempting in that way to control the mental operations of persons and enforce an outward conformity to a prescribed standard, have gone. Mankind has advanced and the right to freedom of thought, conscience and religion is now a fundamental right.”¹⁴

In this sense, tolerance is viewed as a limited notion when compared with the notion of religious liberty, or freedom. Religious freedom entails much more than mere tolerance of differing views. In the current system of coordination between the State and the various religions,¹⁵ the fundamental

F. Dassetto, S. Ferrari and B. Maréchal (2007) *Islam in the European Union: What's at Stake in the Future*, Brussels: European Parliament, 93ff.

13 *Pitsillides v. The Republic* [1983] 2 CLR 374. For a detailed analysis see A. Emilianides (2011) *Law and Religion in Cyprus*, Hague: Kluwer, Part II.

14 *Pitsillides v. The Republic* [1983] 2 CLR 374.

15 A. Emilianides (2006) ‘The Constitutional Framework of the Relations between Church and State in the Republic of Cyprus’, *Nomokanonika*, Vol. 1, 37ff [in Greek]; C. Papastathis (1981) *On the Administrative Organisation of the Church of Cyprus*, Thessaloniki, p. 34.

right to religious freedom implies that the State has to respect religious views, irrespective of their content. While it could be accepted that a society should protect its own existence by restricting personal autonomy;¹⁶ this should not mean that a society should be allowed to restrict personal autonomy and individual liberty in order to conform to the prevailing views about religion. If it is accepted that personal autonomy is an important value in itself, then any restriction should be justified on rational grounds and on the basis that some significant harm to society should be avoided.

The State is in principle allowed to promote the vision of good life that the majority of its citizens believe in,¹⁷ and may treat divergent visions of good life in a different manner.¹⁸ However, the rationale of respect as enshrined in the fundamental right of religious freedom dictates that no idea of the good life should be singled out and treated differently from another, unless there is a rational justification for the differentiation and unless any restrictions on liberty are proportional to such justification. While every democrat is obliged to accept that political power is best entrusted to the majority, this should not mean that the majority may impose its views on the minorities without any rational justification.¹⁹

The aforementioned view is supported by the case-law of the European Court of Human Rights. The European Court has underlined the importance of the rights protected by Article 9 of the European Convention; it stressed that freedom of thought, conscience and religion is one of the foundations of a democratic society and that pluralism depends upon such freedom.²⁰ The need to safeguard pluralism and to avoid arbitrary restrictions is the main criterion.²¹ A pluralistic society recognises and embraces the public dimension to religion, while at the same time attempting co-operation with all religions. The significance of faith in people's lives is considered worthy of protection by the state and where the function of the state overlaps with religious concerns, the state seeks to accommodate religious views, insofar as they are not inconsistent with the state's interests.²²

16 C. Tomuschat (1992) 'Democratic Pluralism: The Right to Political Opposition' in A. Rosas and J. Helgesen, (eds.), *The Strength of Diversity: Human Rights and Pluralist Democracy*, Dordrecht: Martinus Nijhoff Publishers, pp. 27-47.

17 A different conclusion would prove to be impossible since values are always in real and potential conflict and the state inevitably favours some over others. See also J. Hitchcock (1981) 'Church, State and Moral Values: The Limits of American Pluralism', Vol. 44, No. 2 (Spring) *Law and Contemporary Problems* at 3.

18 For a criticism of equal promotionist neutralism see E. Mack (1988) 'Liberalism, Neutrality and Rights' in R. Pennock and W. Chapman (eds.), *Nomos XXX: Religion, Morality and the Law*, pp. 51-52.

19 See H.L.A. Hart (1963) *Law, Liberty and Morality*, Oxford: Oxford University Press, p. 79.

20 *Kokkinakis v. Greece*, Judgment of 25 May 1993; (1994) 17 EHRR 397.

21 *Metropolitan Church of Bessarabia v. Moldova*, Judgment of 14 December 2001; (2002) 35 EHRR 306. See also *Serif v. Greece*, Judgment of 4 December 1999; (2001) 31 EHRR 561.

22 For pluralistic models in general see J. Rivers (1994) 'Irretrievable Breakdown? Disestablishment and the Church of England', *Cambridge Papers*, Vol. 3, No. 4, p. 3.

The Constitution of Cyprus guarantees the more particular manifestation of an individual's religious freedom, stipulating that every person is free and has the right to profess his faith and to manifest his religion or belief, in worship, teaching, practice or observance, either individually or collectively, in private or in public, and to change his religion or belief.²³ While religious freedom is primarily a matter of individual conscience, it also implies the freedom to manifest one's religion, since such freedom is intrinsically linked with the very existence of religious convictions.²⁴ The term '*worship*' embraces, but is not confined to institutional forms of worship; it extends to ritual and ceremonial acts giving direct expression to belief, as well as practices integral to such acts, *including the building of places of worship*.

Building Places of Worship as a Fundamental Right

Space allocation for the building of places of worship is therefore directly connected to the right of religious freedom and the respect of other religions associated with that right. The freedom to manifest one's religion (including the constitutional right to build places of worship) can be restricted, so long as such limitations are prescribed by law and are necessary in the interests of: a) the security of the Republic, b) constitutional order, c) public safety, d) public order, e) public health, f) public morals, and g) the protection of the rights and liberties guaranteed to every person by the Constitution.²⁵ In view of the above, two general principles may be accepted:

- i) there has to be a legal basis for the interference with the fundamental right to religious freedom; a restriction has to be prescribed by law and in accordance with the national law. Such law must be adequately accessible and sufficiently precise and must have been enacted by the appropriate organ, and
- ii) the interference has to be necessary for one of the constitutionally specified legitimate aims; a limitation which has been prescribed by law in order to facilitate interests other than those explicitly referred to in the Constitution, shall not be considered to be legitimate.

In addition to the conditions mentioned above, any limitations of the freedom to manifest one's religion must be considered to be necessary in a democratic society.²⁶ Establishing that the measure is necessary in a democratic society involves showing that the action taken is in response to a pressing social need and that the interference with the rights protected is no greater than is

23 Article 18 § 4 of the Constitution.

24 *Kokkinakis v. Greece*, Judgment of 25 May 1993; (1994) 17 EHRR 397.

25 Article 18 § 6 of the Constitution.

26 Article 9 § 2 of the European Convention on Human Rights. C. Yourow (1996) *The Margin of Appreciation Doctrine in the Dynamics of European Human Rights Jurisprudence*, Hague: Kluwer Law International; R. MacDonald (1993) 'The Margin of Appreciation' in R. Macdonald, F. Matscher and H. Petzold, (eds.), *The European System for the Protection of Human Rights*, Dordrecht: Martinus Nijhoff Publishers, p. 123.

necessary to address such pressing social need; consequently, a test of proportionality should therefore be applied. Any restrictions should further not discriminate among religions.

The freedom of religious communities to designate sacred sites, such as religious buildings and places of worship, is one of the keystones of religious liberty.²⁷ Sacred spaces normally provide the forum where the manifestation of religious beliefs, such as collective worship, may take place. The regulation of land use by planning authorities and the interpretation of planning legislation may be used either as a tool to limit the growth of a particular religious community, or as a ground upon which the State may discriminate between religions. Particular religious groups may be treated under special planning rules on the basis of their longer presence in the territory of a State, or their special connection with the State.²⁸ As discussed later, there could in other words, be cases where there is indirect discrimination for the allocation of religious space.

Building Places of Worship as an Aspect of Organisational Religious Freedom

'All other aspects of the individual's freedom of religion would become vulnerable'²⁹ were the organisational life of a religious community not protected by Article 18 of the Constitution. A legal person that constitutes a religious organisation is capable of having or exercising the rights mentioned in Article 18. While a religious association is not capable of exercising the right of freedom of conscience as this would be a metaphysical impossibility, such a religious association is capable of exercising the right to manifest its religion. The right of a religious community to religious freedom complements the individual right to religious freedom of the members of such community so that non-discrimination of religious communities may be effected; equality of religions necessarily implies that a religious community enjoys certain rights as such, in addition to the rights of its members.

With respect to legal persons, Article 18 should be read in conjunction with Article 21 of the Constitution,³⁰ which provides, *inter alia*, that every person has the right to freedom of association with others, including the right to form and to join trade unions for the protection of his interests. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are only absolutely necessary in the interests of the security of the Republic or the constitutional order or the public safety or the public order or the public health or the public morals or for the protection of the rights and liberties guaranteed by this Constitution to any

27 See P. Edge (2002) *Legal Responses to Religious Difference*, Hague: Kluwer, 321ff; B. Reymond (1995), 'Architectural Patterns of the Relationship between States and Churches' in R. Traer (ed.), *Religion and Human Rights in Europe*, Oxford: IARF; A. Dervitsiotis (2010) *The Building of a Temple as a Keystone of Religious Freedom*, Athens: P. Sakkoulas [in Greek].

28 See e.g. *Islamic Center of Mississippi v. City of Starkeville* 840 F 2d, 293 (5th Cir. 1988).

29 *Hasan and Chaush v. Bulgaria*, Judgment of 26 October 2000; (2002) 34 EHRR 1339.

30 Article 21 of the Constitution corresponds to Article 11 of the European Convention on Human Rights.

person, irrespective of whether or not such person participates in such assembly or is a member of such association.

The European Court of Human Rights has held that:

‘Where the organisation of the religious community is at issue, Article 9 must be interpreted in the light of Article 11 of the Convention which safeguards associative life against unjustified State interference. Seen in this perspective, the believer’s right to freedom of religion encompasses the expectation that the community will be allowed to function peacefully, free from arbitrary State intervention. Indeed, the autonomous existence of religious communities is indispensable for pluralism in democratic society and is thus an issue at the very heart of the protection which Article 9 affords.’³¹

Conflicting Historic Claims and Religious Space

In depth considerations of disputes with respect to conflicting historic claims to ‘sacred loci’ is beyond the scope of this paper, as this is mostly related to cultural heritage, rather than allocation of religious space, which is the focus of this paper. In addition, some main parameters of the treatment of buildings exhibiting multiple layers of successive religious use are included in this section so as to enable a more complete view of the subject.

In view of Cyprus’ turbulent history ancient Christian churches are often unearthed at the foundation of mosques.³² Similarly, Byzantine wall paintings are often recovered in mosques during repairs. The policy of the Antiquities Department of the Republic of Cyprus is to maintain each of the successive historical phases of an ancient monument intact, irrespective of whether they are Christian, Muslim or any other, so as to safeguard Cypriot religious heritage, respect the various contested religious claims on these sites and enable the understanding of the transformation of Cypriot history.³³ The Republic of Cyprus has declared 17 mosques in the non-occupied areas as ancient monuments and has undertaken the expenses for their restoration and maintenance. Four of these mosques, the Hala Soultan Tekke and Kebir mosque in Larnaca, the Omeriye in Nicosia and the Kebir mosque in Limassol are funded by the State as ancient monuments and are further used by Muslim worshippers for religious purposes.

31 *Hasan and Chaush v. Bulgaria*, Judgment of 26 October 2000; (2002) 34 EHRR 1339, para. 36.

32 A recent example is the Christian basilica of St George in Limassol which was unearthed in the foundations of a mosque.

33 Marina Solomides-Ieronymides, the Registrar of Antiquities commented that monuments should remain an open book and that by appreciating the history of the monument, a person is also appreciating the history of Cyprus. See *Cyprus News Agency* 26 August 2010, available at [<http://www.cna.org.cy/website/subject1.shtm#TZAMIA>], accessed on 11 May 2011.

Planning Law and Allocation of Religious Spaces

The Right to Property

The Constitution stipulates that no deprivation, restriction or limitation on the right to acquire, own, possess, enjoy or dispose of any movable or immovable property, belonging to any See, monastery, church or any other ecclesiastical corporation or any right over it or interest therein, shall be made, except with the written consent of the appropriate ecclesiastical authority being in control of such property.³⁴ The protection afforded by the said paragraph extends not only to monasteries, churches and ecclesiastical corporations of the Orthodox Church, or the three constitutionally recognised religious groups, but also to monasteries, churches and ecclesiastical corporations of other Churches and ecclesiastical corporations.³⁵ The same right is accorded to all Muslim religious institutions.³⁶

The ambit of the aforementioned provisions was considered in the case of the *Holy Temple of Chryseleousis*.³⁷ The Republic of Cyprus had held that certain buildings belonging to the Holy Temple of Chryseleousis should be declared as ancient monuments, without asking for the prior written consent of the appropriate ecclesiastical authority being in control of such property; it was argued on behalf of the Republic that the act of declaring that the buildings were ancient monuments, did not amount to limitation or restriction of the right to property. The Court held that the said act amounted to a restriction of the Church's right to property, which could not be justified on grounds of town and country planning. Consequently, declaring that the buildings in question were ancient monuments, without the prior written consent of the Holy Temple of Chryseleousis was unconstitutional. The aforementioned principles were reiterated in the case of the *Holy Monastery of Kykkos*.³⁸

State Provisions on Muslim Religious Institutions

All matters relating to Muslim religious institutions, including Vakf properties, or properties belonging to Mosques, would be governed by the Laws and Principles of Vakfs and the laws and regulations enacted by the Turkish Communal Chamber. The State may not interfere with such matters pertaining to the administration of Vakfs, or Vakf properties, or relating to other Muslim religious institutions. Accordingly, it is provided that neither the House of Representatives, nor the Council of Ministers, nor any other state organ, have competences with respect to such matters. Any interference with such Laws or Principles of Vakfs and with such laws and regulations of the

34 Article 23 § 9 of the Constitution.

35 See further the wide definition of a 'religious organisation' adopted in section 2 of Cap. 224.

36 Article 23 § 10 of the Constitution.

37 *The Holy Temple of Chryseleousis v. The Republic* [1989] 3 CLR 3074.

38 *The Holy Monastery of Kykkos v. The Republic* [1996] 3 CLR 3362.

Turkish Communal Chamber shall be invalid.³⁹

The Law further provides that the Mufti is the religious head of the Turkish-Cypriot Community and exercises several powers. In particular he has, *inter alia*, the power to authorise the erection of new Mosques and major repairs to the existing ones and to supervise the smooth function of Mosques, tekkes, shrines and Muslim cemeteries.⁴⁰ The Office of Evkaf has competences with respect to all matters concerning Vakfs, or any other Muslim religious institutions or cemeteries, while the Office of the Mufti has competences with respect to all religious matters concerning the Turkish Community of the island.

The Turkish invasion of 1974, however, and the subsequent anomalous situation pertaining in Cyprus, have in essence rendered the aforementioned provisions of state law ineffective, since there is no Mufti and no Department of Vakfs and Religious Matters in the areas controlled by the Government of the Republic of Cyprus. As a result most of the approximately 100 mosques situated in the areas controlled by the Government of the Republic, are currently under the responsibility of the Minister of Interior who acts as the Guardian of Turkish-Cypriot Properties, and are managed by the Ministry's Turkish-Cypriot Property Management Service.⁴¹

The Planning Law Exemption and Minority Religions

The Planning Law Exemption

Restrictions or limitations for the purposes of town and country planning are exempted from the provisions of Articles 23 § 9 and § 10 of the Constitution.⁴² Of course, any State action interfering with peaceful enjoyment must be directed at a legitimate aim such as preserving the amenity of residential areas or the protection of the environment and must be proportionate to such aim.

Planning law is a field where much of the action of State officials is based upon discretionary rules and as a result there is little explicit policy on how to accommodate contrasting religious interests within the application of planning law. There are currently no policy guidelines in Cyprus stating how State officials ought to deal with religious interests with respect to allocation of religious space. This might potentially lead to cases of institutionalised inequalities; the fact that there is an abundance of Orthodox Churches might cause the construction of other places of worship for other religious organisations in the same area much more difficult because of zoning

39 Article 110 § 2 of the Constitution.

40 Turkish Religious Head (Mufti) Law, Cap. 340.

41 See A. Emilianides (2009) 'Turkish Cypriot Properties and the Guardian: A Critical Review of the Case-Law', *Cyprus and European Law Review*, Vol. 9, pp. 457-501 [in Greek].

42 This is consistent with Article 1 of Protocol 1 of the European Convention on Human Rights which provides that States have the right to enforce such laws as they deem necessary to control the use of property in accordance with the general interest. See T. Jones (1996) 'Property Rights, Planning Law and the European Convention', *European Human Rights Law Review*, Vol. 3, p. 233.

and planning limitations. In this manner, religious discrimination might occur indirectly through the fact that planning legislation is applied in a manner which advantages the majority religion.

The same problem of potential institutionalised inequality applies to the allocation of space for cemeteries. Specifically, the law provides that the costs for building new cemeteries may be distributed among the residents of the community, on the basis of the religious community they belong to.⁴³ So, in principle nothing precludes any religious community from requesting the local authorities for a cemetery to be built for its members. But despite that, in practice the fact that the great majority of Cypriots belong to the Orthodox Church might lead to additional difficulties for members of minority religions who wish to build a cemetery for their members, simply because legislation might be applied in a manner which advantages the majority religion of the island. With respect to the constitutionally recognised religious groups of Cyprus (Maronites, Armenians and Roman Catholics), the law explicitly provides that their privileged status will be retained;⁴⁴ such religious groups receive state funding in order to build and administer the cemeteries of their respective members.⁴⁵

The application of planning law so as to discriminate, either directly or indirectly, against any religious organisation is prohibited as this would amount to a violation of the organisational religious freedom of the affected religious organisations. While in certain cases it is true that the mere fact that the majority religion – professed by the bulk of the island’s population – might lead to a difference in treatment, the crucial question is whether such a difference in treatment is consistent with the principle of respect and not the result of religious discrimination.

The Case of Jehovah’s Witnesses

The first case we examine is that of *Ktimatiki Eteria Neas Taxeos* concerning a building permit in Zakaki. The members of the applicant company were Jehovah’s Witnesses, who, on 26 February 1987 applied to the Municipal Corporation of Limassol (i.e. the appropriate authority for granting building permits for the quarter of Zakaki) for a building permit to erect a two-storey building, which was to be used for religious purposes, on a plot of land belonging to them. On 29 January 1988 the Municipal Council replied to the Applicants in the following manner:

‘I refer to your letters dated 18.6.1987 and 21.7.1987 under Ref. B724(b) and I inform you that the Municipal Council, as the appropriate authority by virtue of the Streets and Buildings Regulations Law, examined the application of your clients “Ktimatiki Eteria Neas Taxeos Ltd.” and after taking into consideration its contents, the purposes of the use of the proposed building, the character of the area, the road network and other considerations, decided that it cannot grant the permit applied for, to your clients.’

43 Section 10 of the Cemeteries Law 45(I)/2007.

44 Section 33 of the Cemeteries Law 45(I)/2007.

45 See A. Emilianides (2009) ‘The Legal Status of the Latin Community of Cyprus’ in A. Varnava, N. Coureas and M. Elia (eds.), *Minorities of Cyprus*, Cambridge: Cambridge Scholars Publishing, pp. 229-240.

The applicants impugned the decision whereby the permit was refused. During the proceedings in the recourse it was made apparent that the real reason was public order or safety, which according to the Municipal Council of Limassol would have been endangered had the permit been granted. The Municipal Council of Limassol referred to the strong objection of the Ecclesiastical and local authorities of the Orthodox Church and the inhabitants of the Zakaki area to have a building belonging to the said religion erected in their area.

The case above, and more specifically the fact that the Council's decision was based on the Orthodox Church's and the inhabitants' pressures and reactions, suggests that some degree of intolerance on a public level does indeed exist. Moreover, beyond the intolerance on a public level, this case provides evidence that there exists intolerance in the ranks of the institutions of the majority religion, namely Orthodox Church.

Nonetheless, what must be noted is that the impact of this intolerance is mitigated by the constitutional protections of religions freedom. Specifically, the Supreme Court of Cyprus has had the opportunity to state the principles concerning allocation of religious space and prohibition of discrimination between religions in the case of *Ktimatiki Eteria Neas Taxeos*.⁴⁶ The Supreme Court annulled the sub judice decision and held that reasons for denying the right of a person or group on grounds of public safety or public order to manifest his/her or their religion or belief can only be limited by Law.⁴⁷ An administrative organ (e.g. a Municipal Council) cannot by itself refuse on such grounds an application submitted to it.

Thus, it was confirmed that the right to manifest one's religion refers not only to individuals, but also to Churches and other religious communities and any restriction of such right should be in accordance with the law, should meet one of the specified legitimate aims and should be necessary in a democratic society. Any interference will be unconstitutional if it is not proportionate to the pressing social need that it addresses.⁴⁸ Consequently, restrictions to the religious minorities' right to build places of worship owing to the opposition of the majority religion of the island are considered to be contrary to the constitutional protection of religious freedom and are expressly forbidden.

The end result was that the members of the Jehovah's Witnesses and their company *Ktimatiki Eteria Neas Taxeos* did not face any significant problems in acquiring permits for the erection of places of worship.⁴⁹

46 *Ktimatiki Eteria Neas Taxeos v. The Chairman and Members of the Municipal Committee of Limassol* [1989] 3 CLR 461.

47 In accordance with Article 18 of the Constitution and Article 9 of the European Convention on Human Rights.

48 A. Emilianides (2010) 'The Application of the Freedom of Religion Principles of the European Convention on Human Rights in Cyprus' in A. Emilianides (ed.), *The Application of the Freedom of Religion Principles of the European Convention on Human Rights in the European Union*, Leuven: Peters, pp. 89-98.

49 Source: The Jehovah's Witnesses Congregation in Cyprus.

Having said that it should be noted that Article 18 of the Constitution safeguards only activities of a religious organisation that refer to the exercise of their religious freedom; any other activities of a non-religious character are not safeguarded. Such was the case of *Church of Nazarene International Ltd.*, when the petitioners argued that the State should not have refused to grant them a permit to buy offices in Cyprus because that was contrary to the freedom of religious liberty.⁵⁰ The Supreme Court acknowledged that the administration cannot hinder, directly or indirectly, the exercise of religious freedom. However, the Court held that in the circumstances of the particular case there had been no violation of Article 18 because the petitioners requested a permit to buy offices in Cyprus for *residence* and *vacation* purposes for the members of a limited company and not for any purpose, directly or indirectly related to the exercise of religious freedom. Subsequently, Article 18 was not deemed to be applicable in the aforementioned case. The result would have been different, had the petitioners intended for the offices to be used as a place of worship and not for residence purposes.

The aforementioned decisions offer a balanced method for the judicial control of the actions of administrative authorities, insofar as the practical application of the planning exemption is concerned. The discretionary powers of the administrative authorities may be invoked only to the extent that they do not violate the core of the religious liberty of any given religious organisation. As a consequence, administrative decisions concerning allocation of religious space ought to be governed by the freedom of religion principles in order to be consistent with the Constitution of Cyprus.

The Case of Larnaca Synagogue

The Larnaca Synagogue was inaugurated on 12 September 2005 and is still the only Synagogue in Cyprus. The specific religious place is essentially the Rabbi's house which was turned into a Synagogue due to lack of alternatives. Although the specific place is recognised distinctly by the state and the Jewish community alike as a Synagogue, it does not meet the community's needs. The Rabbi's house and 'de facto' Synagogue is a temporary solution until the Community erects a more suitable religious place. The lack of a more appropriate religious space creates, according to Rabbi Arie Zeev, problems as it cannot meet the community's demands, especially during major holidays. To temporarily resolve this problem the Rabbi rents other spaces when the need arises.

To resolve this problem permanently, the Jewish Community requested from the state a piece of land where they could build a proper place of worship.⁵¹ Their application has been pending since 2003, which is a significant delay that could be interpreted as a form of unwillingness on behalf of the state to facilitate the process. On the other hand, the Jewish community's request is

50 *Church of the Nazarene International Ltd v. Minister of Interior* [1996] 4 CLR 3091 [in Greek].

51 It should be noted that according to the Archdiocese, the Archbishop of Cyprus is currently considering leasing property to the Jewish Community for the purposes of building a proper place of worship.

not as easy to meet. Their request is for the state to provide the Community with an appropriate piece of land in an area that meets their specific criteria (i.e. near the city centre and near the airport). Considering the size of Larnaca and the land available, the specific criteria could justify the delays. The official position of the Rabbi Arie Zeev is that '[he] want[s] to believe that the delays are not due to the unwillingness of the state to help, but rather because of bureaucratic reasons'.⁵²

Former Minister of Education and Culture at that time, Pefkios Georghiades, and other government officials actively showed their support to the Jewish community by, *inter alia*, participating in the inauguration of the Synagogue in 2005. Chief Rabbi of Israel Yona Metzger expressed his satisfaction regarding the inauguration, while the former Cypriot Minister of Education Pefkios Georghiades stated that: 'Cyprus is a state where all religions are tolerated and thus, the Jewish synagogue is welcome'.⁵³

A similar open and tolerant approach seems to exist on a public level as well, even though this was not the case at the very beginning. The inauguration of the Synagogue was actually met with some outrage from certain groups of citizens who threatened to take action against it. Some zealous Orthodox groups claimed that the Synagogue is a tragic event for the civilisation and the Orthodox history of the island.⁵⁴ Others expressed their concern for the need of a Synagogue in a country where members of the Jewish community do not exceed 2,000 persons. Such public reaction indicates a form of intolerance on behalf of segments of the Cypriot society but in spite of this, the majority of the population did not subscribe to such reaction and consequently public reaction quickly faded, and the threats were never materialised. Since then, as Rabbi Zeev conveyed to us, the people in Cyprus have been very welcoming and friendly with the Jewish Community.

The only problems faced at the Synagogue were from Muslim minorities' groups who frequently gathered outside the Synagogue and threw eggs, among other things, at the building. This led to significant security measures, which included the use of close circuit cameras and the building of high walls around the Rabbi's house. Rabbi Zeev believes that these hostile actions express the Arab communities' dissatisfaction with the on-going Middle East problems and do not necessarily reflect intolerance against the specific religious place and the Jewish community of Cyprus.⁵⁵

52 Personal interview with Rabbi Arie Zeev on 9 February 2011.

53 Source: *Cyprus News Agency*, available at [http://www.hri.org/news/cyprus/kypegr/2005/05-09-13_kypegr.html], accessed on 11 May 2011.

54 Samples of these '*polemics*' are also accessible via the web, e.g. M. Michael, 'Is Cyprus a Jewish Island?', available at [<http://www.romiossini.com/articles.php?lid=1629>], accessed on 20 October 2010; M. Michael, 'Jewish Hanukah and the Orthodox Reaction', available at [<http://www.romiossini.com/articles.php?lid=3950>], accessed on 20 October 2010.

55 Personal interview with Rabbi Arie Zeev on 9 February 2011.

The Case of the Omeriye Mosque

While relatively few Turkish Cypriots currently reside in the government controlled town of Nicosia, there is a growing number of Muslim immigrants who reside in the areas controlled by the Republic and in particular the old town of Nicosia. Currently, just one of Nicosia's mosques, the Omeriye, is in active use. The next two mosques in terms of size are the Bayraktar and the Tahtakallas, both of which are designated monuments to be restored under the Nicosia Master Plan but they are not yet active for religious purposes.

The fact that there is only one active Mosque in the city has created problems within the Muslim community of Nicosia. In early September 2009 a clash involving more than 100 people took place at the Omeriye Mosque following the ejection of a group of Shia Muslims by the majority of worshippers who are Sunni Muslims. Five of the worshippers involved in the clash were injured severely and were taken to Nicosia General Hospital. Nearby property was also damaged. The eruption of violence between the Sunni majority and the Shia minority of worshippers of the Omeriye Mosque was the direct outcome of a dogmatic difference between the two schools of interpretation of Islam, but also the indirect result of the limited number of Mosques in the old town of Nicosia. The well-established Sunni Muslims (who count the great majority of Turkish Cypriots in their ranks) consider the mostly immigrant Shia Muslims as intruders to the Omeriye Mosque.

It should be recorded that the violent reactions are very infrequent, and the specific event has led to the immediate response of both the state and the public. Several Greek-Cypriot residents of the old town of Nicosia expressed fear and maintained that the Police should immediately act in order to restore order in the area.⁵⁶ The police's response was immediate and decisive. Police Commissioner of Nicosia, Kypros Michaelides, as well as the Police Spokesman Michalis Katsounotos, stated that the police would promptly arrest and deport any immigrant who fails to act within the limits of the law. The Police Commissioner further stated that the Police had consulted the Imam and various Muslim leaders and informed them of the decisiveness of the Police to take drastic actions if needed.⁵⁷ Additionally, Katsounotos noted that while the police have concerns regarding the matter, the reporting of incidents has to be serious, objective and without exaggeration. The Police Spokesman also added that:

'we are living in a European country which needs to deal with multiculturalism, in both its positive and negative aspects. We must accept differences relating to skin-colour and religion. If what is published does not stand up to scrutiny, then we will start to cultivate racial hatred and racism.'⁵⁸

56 *Simerini* newspaper, 3 September 2009, available at [<http://www.sigmalive.com/simerini/news/188329>], accessed on 11 May 2011.

57 *Phileletheros* newspaper, 2 September 2009, available at [<http://www.phileletheros.com/Digital/Default.aspx?d=20090902&pn=1>], accessed on 11 May 2011.

58 Source: *Cyprus News Agency*. 'Muslims clash at Omeriye Mosque', 1 September 2009.

The Mayor of Nicosia, Eleni Mavrou, expressed the opinion that the problem might be solved if more mosques were opened, but did acknowledge that the management of the mosques would be a major problem, since currently there are no practical solutions for covering running costs and taking care of the daily management of them.⁵⁹ Yiorgos Matsepoulos, Senior Officer of the Nicosia District Turkish-Cypriot Property Management Service supported the Mayor's assessment of the situation and further noted that the various Islamic groups are not formally organised and often express very different opinions, a fact which causes difficulties to their taking care of the daily management of the mosques.⁶⁰

It is noteworthy that the abovementioned clash took place just a few days after another incident, when worshippers at the Omeriye Mosque had thrown stones at the assembled crowd which attended a concert by Greek singer Pantelis Thalassinos at a nearby café. Worshippers considered that the singer had rudely interrupted their evening prayers.

The incident with the singer is an indication of 'multilocality', which demonstrates how people hold multiple semiotic meanings for a specific place.⁶¹ On the one hand, the meaning attributed to the Omeriye Mosque by worshippers was that of a sacred place; a place which provides them the opportunity to perform their religious practices. On the other hand, the group of people that attended the concert near to the Mosque have a completely different relationship with the specific place as well as the surrounding area. While the latter group perceives the Mosque as a monument of the old city, it concurrently neglects the religious significance it holds for the Muslim minorities.

Since then there have been no further incidences involving the local non-Muslim majority population and the Muslim minority groups or between the minority groups. On the contrary, as the owners and employees of the nearby cafés, restaurants and shops attest, there seems to be a peaceful co-existence between the local immigrants visiting the Mosque and the local non-Muslim population.⁶² Similarly, there seem to be no notable problems between the Shia and Sunni worshippers who share the specific religious space.

Cypriot authorities may guide themselves on how to deal with the situation of two differing religious communities claiming use of the Omeriye Mosque by consulting the judgment of the European Court of Human Rights in the case of *Serif v. Greece*.⁶³ The applicant in the case of *Serif* enjoyed the support of part of the Muslim community in Thrace and was elected Mufti, despite

59 Source: *Cyprus Mail* Newspaper. 'Clash at Omeriye Mosque', 2 September 2009.

60 *Ibid.*

61 S.M. Low and D. Lawrence-Zuniga (2003) 'Locating Culture' in S.M. Low and D. Lawrence-Zuniga (eds.), *The Anthropology of Space and Place*, Oxford: Blackwell Publishing, pp. 1-47.

62 Anonymous interviews conducted in January, 2011.

63 *Serif v. Greece*, Judgment of 4 December 1999; (2001) 31 EHRR 561. See also *Agga v. Greece*, Judgment of the European Court of Human Rights of 17 October 2002.

the fact that another Mufti had already been appointed by the Greek Government. The applicant was subsequently convicted of the criminal offences of having usurped the functions of a minister without having the right to do so. The European Court, finding a violation of Article 9 of the European Convention on Human Rights, noted that tension between competing religious groups is an unavoidable consequence of pluralism; the role of the authorities in such a situation is not to remove the cause of the tension, thereby eliminating pluralism, but instead to ensure tolerance between the rival factions. In a democratic society, there is no need for the State to take measures to ensure that religious communities remain or are brought under a unified leadership. What is more the Constitution provides that all religions are equal before the law and no legislative, executive or administrative act of the Republic shall discriminate against any religious institution or religion.⁶⁴ There should in principle be no discrimination between newly established religions, or religions which represent religious minorities. Accordingly, the Republic of Cyprus may, in principle, not discriminate between Sunni and Shia Muslims, simply because one of them is more established in Cyprus. In order to reach solutions which respect the need of pluralism, Cypriot authorities should try to accommodate the differing religious communities not by putting an end to the cause of tension, and thereby eradicating pluralism, but rather by attempting to establish tolerance and respect between the opposing groups.

The Planning Law Exemption and the Majority Religion

The application of planning law is not a tool that is used solely to restrict the actions of the minority religion. Indeed, it has been used in cases of majority religion as well. Indicatively, during the years 2009 and 2010, the Orthodox Church of Cyprus has clashed with political parties as well as civil society organisations with respect to the erection of Cathedrals in the districts of Nicosia and Paphos. Starting with the latter, we examine these two cases.

The Case of the Paphos Cathedral

The Metropolitan of Paphos filed a petition for a permit to erect a Cathedral in the Paphos town park on 9 July 2009. Political parties and civil society organisations reacted immediately and opposed the Metropolitan's petition which led to the Metropolitan issuing a detailed statement. The statement was addressed to all Orthodox Christians of Paphos and explained the Metropolitan's reasoning for the filing of the petition. The main argument was that the former Cathedral of St Theodoros could no longer serve the needs of the constantly growing population of Paphos, and a new Cathedral was deemed necessary in order to enable the hosting of ceremonies and liturgies.

The Metropolitan observed a need for the Cathedral to be close to the Metropolis, mainly for practical reasons. However, apart from the town park located at the centre of the city, the

64 Article 18 § 3 of the Constitution.

Metropolis of Paphos owns no other property in the area. The town park had been leased to the Paphos Municipality in 1955 under an agreement that stipulated that part of that area would eventually be used for the erection of a Cathedral. According to the Metropolitan, the Cathedral would respect the main characteristics of the area, since it would be designed as a neoclassical Cathedral in an area with several other neoclassical buildings. The Cathedral would essentially occupy less than 5% of the total area of the town park (14.382 square metres) and the remaining space would be given to the Municipality of Paphos to be used as a public park.⁶⁵

The erection of the new Cathedral in the specific area required a deviation from the existing planning laws, since the town park area had been declared a protected zone where only parks and open sport areas could be built. Hence, while the Municipality of Paphos could issue an opinion and the Board of Deviations could file a detailed report on the matter, the final decision for the erection of the Cathedral ultimately rests upon the Council of Ministers of the Republic of Cyprus.

On 26 January 2010 the Municipality of Paphos turned down the application of the Metropolitan of Paphos by a majority of 16 to 1, arguing that the town park, which is situated in the most central area of the town, ought to remain a green area. The Metropolitan, upon hearing the decision, highlighted that there is no other place for the Cathedral to be erected. 'We cannot have a Cathedral erected in the air' he joked, expressing the view that the great majority of his flock is in favour of erecting the Cathedral as planned.⁶⁶

Following the negative decision of the Municipality, the Board of Deviations took over the issue in order to deliver a report to the Council of Ministers. The Board performed a public hearing of the application on 15 September 2010, which was attended by civil society organisations both in favour and against the erection of the new Cathedral in the town park area. Charis Komodromos on behalf of the Initiative Group in favour of the erection of the Cathedral underlined that it would upgrade the town centre, as well as the town park. Similarly, Evgenios Neophytou of the civil society organisation 'Human and Environment' claimed that the town park is deteriorating day by day and the only solution to save it is for the Cathedral to be erected. On the contrary, Kostas Koutsoftides on behalf of a civil society group opposing the erection of the Cathedral argued that the planning legislation should promote green areas and not contribute to their further degradation. It is worth noting that a group of students held signs stating 'Save the trees' during the public hearing.⁶⁷ A final decision on the matter is still pending.

65 Source: Pamphlet of the Metropolitan of Paphos concerning the Cathedral.

66 *Simerini* newspaper, 27 January 2010, available at [<http://www.sigmalive.com/simerini/news/local/232991>], accessed on 11 May 2011.

67 *Phileleftheros* newspaper, 16 September 2010, available at [<http://www.philenews.com/Digital/Default.aspx?d-20100916&cpn=1>], accessed 11 May 2011.

The Case of the Nicosia Cathedral

On 28 December 2007 Archbishop Chrysostomos II submitted a petition to the Municipal Council of Nicosia for a building permit for a new Cathedral in the historical centre of Nicosia, near the Archdiocese of Cyprus. As was the case of Paphos, the Archbishop noted that the current Cathedral of St John can no longer accommodate the needs of the Archdiocese and highlighted the need for the erection of a new larger Cathedral.

The petition of the Archbishop provoked even more intense reaction (compared to the case of Paphos) from civil society organisations, which argued that the architecture, planning and morphology of the new Cathedral would negatively affect the natural environment and the character of the historical centre of Nicosia.⁶⁸ They also argued that the erection of the new Cathedral would essentially lead to the destruction of the Archdiocese park which is a significant green area in the old town and would create, *inter alia*, adverse effects to the quality of air. In addition, protesters noted that the new Cathedral would lead to severe parking problems, nuisance, and the destruction of the planning zone of the old town.⁶⁹ Some civil society groups expressed more extreme views and accused the Orthodox Church of attempting to promote its hegemonic role in an anachronistic and conservative manner by imposing a huge Cathedral upon the immigrants and the emerging ethno-cultural structure of the old town of Nicosia.⁷⁰

Cyprus Scientific and Technical Chamber (ETEK), the official technical consultant of the State and the professional body of all Cypriot mechanics, adopted in May 2010, a report evaluating the proposal for the erection of the new Cathedral of the Orthodox Church of Cyprus.⁷¹ ETEK criticised the proposal, stating that the architectural design of the new Cathedral had been unsuccessful and highly problematic, and concluded that:

‘the new Cathedral seems to have been based upon the logic of a supra-sized building which is in a vain search of space and which defies any logic of urban adaptation ... as a result, problematic relations between the building and the surrounding space, the existing buildings of the Archdiocese and the existing private buildings, are being formed ...’

Furthermore, ETEK shared the civil society organisations’ views that the existing park, one of the most important green spaces in Nicosia, would be destroyed with the erection of the Cathedral.

68 It is worth noting that the height of the new Cathedral would be approximately 26 metres.

69 See e.g. Committee for the Struggle against the Erection of a Huge Cathedral in the Old Town of Nicosia, Friends of Ancient Civilisation ELEFSIS, Federation of Environmental and Ecological Organisations of Cyprus, Environmental Movement of Cyprus, Friends of Nature Cyprus, Movement for Social Ecology, Action Group of Residents of the Old Town of Nicosia, ‘Against the Erection of a Cathedral in the Old Town of Nicosia’, available at [http://admin.typos.com.cy/nqcontent.cfm?a_id=134076], accessed on 20 October 2010.

70 A good example of such critique is Q Team, ‘How the Erection of a New Cathedral Suppresses Social Rights’, available at [<http://omadaq.wordpress.com/>], accessed on 20 October 2010.

71 ETEK, ‘Report and Evaluation of Data on the Erection of a New Cathedral of the Church of Cyprus’, Nicosia, May 2010.

ETEK concluded its report by stating that the new Cathedral had been inadequately designed and its morphology was inconsistent with the character of the historical town centre and the Byzantine morphology of the old town of Nicosia. As a result, ETEK suggested to the Orthodox Church of Cyprus to reconsider the whole issue from scratch.

The Technical Director of the Archdiocese of Cyprus, Stelios Georghiou, rejected ETEK's criticism and pointed out that the new Cathedral was an integral part of the seven-year programme of upgrading the premises of the Archdiocese in the old town of Nicosia.⁷² He further argued that the increased size was necessary in order for the Archdiocese to cope with its emerging functional needs. In any event, he argued, that the new Cathedral was still small when compared to other similar cathedrals in the European Union. The project's architect, Nicos Meletiou, further noted that the size of the proposed building was within the existing practice of urban centres in Europe and argued that it had been designed so as to fit perfectly within the existing architectural topology of the old town of Nicosia, and consequently considered ETEK's criticism to be unfounded. Moreover, he pointed out that Owen Luder, a distinguished architect and twice President of the Royal Institute of British Architects, also expressed the view that the new Cathedral would refresh and reinforce the identity of the old town of Nicosia.⁷³ This view was also supported by a number of well-known and influential Cypriots, such as businessman Nicos Shakolas, who argued that the erection of the new Cathedral was indeed essential.⁷⁴

On 6 July 2010 the Municipal Council of Nicosia approved the petition of the Archdiocese by a majority of 16 votes in favour, 10 against and 1 abstention. The decision led to public reaction. Outside the Municipality, a group of civil society organisations that gathered to lobby against the petition expressed their dissatisfaction and argued that it is the citizens that ought to have the last say on the matter and not the Municipality. The Mayor of Nicosia, Eleni Mavrou, who voted against the petition, commented that the latter has been approved and that any changes to the architectural plan could only take place with the consent of the Orthodox Church.⁷⁵ The Archbishop expressed his satisfaction at the decision and claimed that the criticism levelled against the Church was unsubstantiated and a result of political power struggles. On 2 October 2010 forty-two persons filed a recourse before the Supreme Court of Cyprus against the erection of the new Cathedral; the recourse is still pending.

72 *Phileleftheros* newspaper, 15 March 2010, available at [<http://www.philenews.com/Digital/Default.aspx?d-20100315&pn=1>], accessed 11 May 2011.

73 *Simerini* newspaper, 6 June 2010, available at [<http://www.sigmalive.com/simerini/news/social/273042>], accessed on 11 May 2011.

74 See N. Shakolas, 'The Erection of a Cathedral is Necessary', available at [<http://www.churchofcyprus.org.cy/article.php?articleID=1225>], accessed on 20 October 2010 and the replies by Elefsis, available at [<http://m4trix87.wordpress.com>], accessed on 20 October 2010.

75 *Phileleftheros* newspaper, 7 July 2010, available at [<http://www.philenews.com/Digital/Default.aspx?d-20100707&pn=1>], accessed on 11 May 2011.

Urban settings such as the old part of the city of Nicosia are often transformed into 'contested spaces' between the various groups interacting in the area.⁷⁶ In these contested spaces different meaningful relationships with the locales are established when the different groups attach diverse and often conflicting meanings to a specific space. Through this ongoing interactive process a 'space' is transformed into a meaningful 'place'. The symbolic meaning that people attribute to a place is not fixed, monolithic or stable through time.

The flexible and negotiated meaning of a place reflects the complex urban structures and the competing social groups that coexist in the specific setting. In such complex settings even the locals hold conflicting perceptions about the symbolic value of the old part of the city.

In the case of the Nicosia Cathedral, the groups against the petition seem to perceive the old part of the city as a symbol of history, cultural heritage, multiculturalism, diversity and overall as a non-conventional and alternative space. On the contrary, groups in favour of the petition seem to perceive the specific place as a symbol of underdevelopment, degradation, poverty and immigration. An extension of this ideological conflict is reflected also in the different visions that these groups hold in relation to the 'development' of the area and the respective ways to improve the 'quality of life' within the urban centre. What is considered 'development' for one side is loss of 'quality of life' for the other, and *vice versa*.

Conclusion

In this paper we attempted to shed some light on the legal framework concerning the allocation and use of religious space in Cyprus and elucidate, through the several case studies, how the Cypriot legal structure allows or limits the development of such spaces and how it safeguards the religious freedom of both the majority as well as the minority religious groups. In addition, the case studies provide a clear indication that the allocation of religious space as well as the erection of places of worship, may, and do, provoke criticism and sometimes strong reaction from the public and civil organisations.

What is particularly interesting is that these reactions do not arise only when the places of worship are to be erected or used by groups of minority religions, but also when they are to be erected by the majority religion of the island as well. It is rather difficult to confirm whether the public reaction of certain organised groups correspond to the position of the majority of the residents in the specific areas or indeed of the entire population of Cyprus. It is more sensible to confirm that the reaction by organised groups has been more intense in recent years with respect to the erection of places of worship of the *majority* religion. Indeed, public reaction concerning erection of places of worship for minority religions has not, in general, been overtly intense. With the notable exemption being the inauguration of the Larnaca Synagogue (although public

76 S.M. Low and D. Lawrence-Zuniga (2003) 'Locating Culture', *op. cit.*

reaction was short-lived even in that case), there have been no other published or annotated cases in recent years which indicate intense public reaction with respect to the allocation of religious space in Cyprus to minority religions.

The cases of the Paphos and Nicosia Cathedrals demonstrate that the development and use of religious spaces, especially in complex urban settings, provide the opportunity for competing groups with diverse visions and access to material and symbolic resources, to engage in power struggles. The social conflict that took place in Nicosia was not only the outcome of conflicting interests between the various groups in the area, but also that of diverse meaningful relationship to the specific religious places.

The cases of the Omerie Mosque as well as that of the Synagogue in Larnaca provide sufficient indications that the most intense forms of intolerance do not occur between majority and minority groups, but rather between the minority groups themselves. Nonetheless, the intolerance does not seem to be attributed to the dissatisfaction over the use or erection of a specific place of worship by one or another group. Rather the most important reactions seem to derive from non-Cypriot factors such as the dogmatic differences between the Sunni and Shia and the intractable Israeli-Palestinian conflict. To a greater degree the former is of particular importance for Cyprus, not least because the (Muslim) immigrant community will most likely continue to grow, and as long as the Omeriye Mosque remains the only place of worship in Nicosia, it is likely that inter-group problems will re-emerge.

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