



Quo vadis Cyprus?

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Sunuş

Elinizdeki çalışma 24 Nisan 2004'den sonra unutulmuş Kıbrıs sorununu BM, AB ve ABD'ye hatırlatmak amacıyla hazırlanmıştır. Çalışmayı kaleme alanlar sorunun unutulmaması ve unutturulmaması gerektiğine inanmaktadır. Çalışmanın temelinde unutulmanın Kıbrıs Türklerinin ve Türkiye'nin çıkarlarına aykırı olacağı, Türkiye'nin AB üyeliğine engel teşkil edeceği, özellikle mülkiyetten doğan sorunların Türk tarafına ek külfetler getireceği, hatta adadaki iki kesimliliği tehlikeye sokacağı endişesi yatmaktadır.

Çalışmanın hedefi Annan Planı temelinde yeni bir görüşme sürecinin başlamasına katkıda bulunmaktır. Bu hedefin gerçekleşmesi için konuyu yakından takip etmeyen okuyuculara Kıbrıs sorununun kapsamlı ve elden geldiğince tarafsız bir tarihçesi çıkartılmış, Annan Planının analizi yapılmıştır. Son bölüm büyük ölçüde bugünkü durumun tespitine ve barış sürecinin yeniden başlaması için yapılması gerekenlere ayrılmıştır.

Ulaşılmaması amaçlanan hedef kitle Türkiye, Kıbrıs Türk ya da Rum tarafı olmadığı için müzakerelerin başlamasının sağlanması doğrultusunda çalışmada bu kesimlere yönelik bir çağrı bulunmamaktadır. Müzakerelerin başlayabilmesi için Türkiye'nin ve Türk tarafının da pozisyonlarında esneklik göstermesi diplomasinin doğal gereğidir. Ancak gösterilmesi gereken esneklik konusu TESEV tarafından yapılacak başka çalışmaların içeriğini oluşturacaktır.

Çalışmanın önerileri aşağıdaki gibidir:

1. Annan Planı, Kıbrıs sorununun çözümü için uluslararası düzeyde atılmış tüm adımların doruk noktasıdır ve dolayısıyla müzakere masasında kalmalıdır. Tüm tarafları tamamen tatmin etmese de, üzerinde uzlaşılabilir bir çözüm sunmaktadır ve şu ana kadar ortaya konmuş en kapsamlı ve detaylı çözüm planıdır. Planın tasarlanıp ortaya çıkartılmasında çok büyük çabalar sarf edilmiştir. Durum böyleyken, Annan Planı'nı bir kenara koymak ne diplomatik ne de politik açıdan sağduyulu bir davranış olur. Yine de, Planın içerdiği hassas dengeleri bozmadan üzerinde küçük değişiklikler yapmak mümkündür.
2. Müzakereler, Birleşmiş Milletler çerçevesinde sürdürülmelidir. Her ne kadar müzakereler Kıbrıs'taki iki tarafın arasında, anavatanlar Türkiye ve Yunanistan sponsorluğunda cereyan etse de, anlaşmaya son halinin verilmesinde BM Genel Sekreteri'nin rolünün olması akıllıca olacaktır. Çünkü yıllardır var olan köklü farklılıklardan dolayı, tarafların kendiliklerinden böyle bir uzlaşmaya varmaları mümkün değildir.
3. AB, Kıbrıs sorununda arabulucu olamaz, zira aslında şu anda sorunun taraflarından biridir. Ancak AB'nin rolü tamamen de ortadan kaldırılamaz. Birincisi, herhangi bir çözüm anlaşması, AB hukukunun parçası olacaktır. İkincisi, üzerinde anlaşmaya varılacak çözüm hayata geçirilirken her iki tarafa eşit davranılması konusunda AB önemli rol oynayacaktır. AB üyeliği, tarafların dayanışma ve karşılıklı saygı içerisinde birbirlerine yaklaşmalarını gerektirir. Dolayısıyla Kıbrıs Rum tarafının, Kıbrıs Türk tarafıyla ilişkilerinde AB üyelik normları ve standartları çerçevesinde davranması beklenmektedir.

4. Müzakerelerin sonu gelmez şekilde uzamasını önlemek için, anlaşmaya varılabilecek bir zaman sınırı belirlenmelidir. Ancak diğer yandan, nihai çözüm için yapay tarihler konulmamasına da özen gösterilmelidir.
5. Tekrar müzakere edilmiş nihai çözümü halkoyuna sunmadan önce, her iki tarafın liderlerinin onayı aranmalıdır. Bunun da ötesinde, yalnız bir tarafın çözümü reddetmesi halinde, kabul eden tarafın statüsüne ilişkin belirsizlikler usule ilişkin düzenlemelerde önceden giderilmiş olmalıdır.
6. Girilecek yeni sürecin başarıyla tamamlanabilmesi için, Planda yapılacak değişikliklerin sınırlı olması ve dengelerin herhangi bir tarafın lehine veya aleyhine olacak şekilde bozulmaması gerekir. Kıbrıs Rum tarafının Kıbrıs Türk tarafından parça parça taviz almaya çalışmasına fırsat verilmemesi gerektiği açıktır.
7. Güven artırıcı önlemler, anlaşma yerine ikame edilemez, hatta anlaşma yolunda araç dahi olamaz. Güven artırıcı önlemler, müzakerelerdeki enerjinin büyük ölçüde sapsmasına ve sürtüşmenin artmasına yol açacaktır.
8. Uluslararası kamuoyu, 'Kıbrıslı Türkleri tecrit eder nitelikte olan kısıtlamalar ve engelleri' ortadan kaldırmak konusunda Kıbrıslı Türklere verdiği sözleri yerine getirmelidir.

Saygılarımızla,
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TESEV Dış Politika Programı

Preface

Cyprus is one of the key issues in Turkish Foreign Policy today, probably even more so than it has ever been. A peaceful settlement that optimizes the needs and minimizes the concerns of both the Turkish Cypriot and Greek Cypriot sides is of utmost significance and urgency. A settlement is needed not only to enable Turkey to continue its path towards European accession, but also in order to establish and perpetuate a peaceful coexistence between the two communities on the island.

The suspension of efforts to solve the Cyprus issue after the referendum on April 24, 2004, could pave the way for unwelcome developments in Turkey, the EU and in the region as a whole. Therefore TESEV see it as their mission to alert policy makers, opinion leaders and diplomats of the urgency of the issue.

As has been stated previously on different occasions, TESEV has three major areas of activity: Democratization, Good Governance and Foreign Policy. There has been a dynamic wave of political, economic, judicial and legal reforms in Turkey *vis-à-vis* her prospective membership of the European Union. Internal dynamics for democratization, local governance, fiscal policies, transparency and judicial reform and new perspectives in foreign policy have been subjects of concern in this process. These subjects are also the determinants of TESEV's major program axes.

The Foreign Policy Program, one of TESEV's three main program areas, has been dealing with the Cyprus issue at both governmental and non-governmental levels, with specific reference to the Annan Plan. We support the Annan Plan as the basis for a viable solution. This monograph provides a historical account of the problem and settlement efforts, elaborates the Annan Plan and provides some suggestions for the way forward.

Dr. Can Paker
Chairman
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TABLE OF CONTENTS

Acknowledgments	p. 2
Sunuş	p. 3
Preface	p. 5
Historical Background: Before Independence	p. 7
Independence: Establishment of a bi-communal government and its collapse	p. 18
The events of 1974: Intervention by Greece and Turkey and the division of the island	p. 32
The Latest Attempt: The Annan Plan	p. 44
Conclusion	p. 61
Recommendations	p. 66

Historical Background: Before Independence

Cyprus is the third largest island in the Mediterranean after Sicily and Sardinia, with an area of 9,521 square kilometres. It is situated around 65 kilometres south of Turkey, 95 kilometres west of Syria, 374 kilometres north of Egypt and 960 kilometers from mainland Greece. This strategic position at the junction where Europe, Asia and Africa meet has made it during most of its 4,000-year recorded history 'a battlefield of the Near East and the prey of contending faiths and rival empires' and thus a 'meeting place of races and tongues'.¹

Cyprus was colonised in the era of Mycenae (around the thirteenth century BC) by the Achaeans. The Phoenicians also settled on the island three centuries later. It fell under the control of the Persians towards the end of the fifth century BC. Two centuries later Alexander the Great defeated the Persians and brought Cyprus into the Hellenic world. The island was later annexed by Rome. Christianity was introduced into Cyprus in the middle of the first century AD, when it became 'the first country in the world to be governed by a Christian ruler'.²

After the division of the Roman Empire in AD 285, Cyprus became an independent province of the Byzantine Empire. Christianity became the dominant faith in the island by the end of the third century. In 431, the Church of Cyprus was recognised as independent, and became one of the oldest of the 'autocephalous' constituent bodies of the Orthodox Eastern Church.

During the Byzantine period, the first Muslims appeared in Cyprus in 632 under the leadership of Abu-Bekr, the father-in-law of the Prophet Mohammed. A joint Arab-Byzantine rule over Cyprus was established in 688 and lasted until the island was returned to Byzantine rule after the conquest in 965 by imperial forces.³ Byzantine rule over Cyprus ended in 1191 when Richard Coeur de Lion captured and later sold the island to the Latin House of Lusignan. In 1489 the Venetians took over Cyprus and ruled it until 1571 when the island was conquered by the Ottomans.

Throughout the periods of Lusignan and Venetian rule, the Greek Orthodox Church was subordinate to the Church of Rome. Under the Ottoman administration, the feudal system, which had been introduced by the Lusignan dynasty, was abolished. Orthodox subjects were thus freed from serfdom and again permitted to own land. The Greek Orthodox Church regained much of the ground it lost during the years of Latin rule and was given formal jurisdiction also over the remaining (mostly Maronite) Catholics on the island. The sees of the Orthodox bishops were re-established.⁴

Following the Ottoman practice of *millet* (semi-autonomous religious group) system, the archbishop of the Church of Cyprus was recognised as *ethnarch* (*millet* leader) thus representing the Orthodox population in secular matters as well. As long as a *millet* refrained from opposition and met the Empire's demands, in particular with regard to taxation, the Ottoman system provided the recognized communities with a

¹ Sir Harry Luke, *Cyprus, a Portrait and an Appreciation*, Rüstem and Harrab, London, 1957 and 1973, p. 28.

² *Ibid.*, p. 32.

³ R.J.H. Jenkins, 'Cyprus between Byzantium and Islam, A.D. 688-965', in George E. Mylonas & Doris Raymond, ed., *Studies Presented to David Moore Robinson on His Seventeenth Birthday, Volume II*, Saint Louis: Washington University, 1953, pp. 1006-1014.

⁴ Sir George Hill, *History of Cyprus, Volume IV*, Cambridge University Press, 1952.

considerable degree of autonomy. This pivotal role of the Church of Cyprus in the life of the Orthodox community of Cyprus during Ottoman rule allowed it to exercise paramount influence.⁵

As was common Ottoman policy with newly acquired territories, Cyprus was colonized by immigrants from other parts of the Empire, particularly from its nearby Anatolian heartland. The first immigrants were soldiers who took part in the conquest. In 1572, the Sultan issued a *firman* for the resettlement of Cyprus. The *firman*, which showed the Porte's priority of ensuring the economic viability of the Province, emphasised the transfer of people skilled in a variety of professions and crafts (shoemakers, tailors, weavers, silk-dyers, manufacturers, saddlers, tanners, carpenters, master-builders, stone-cutters, farmers, etc.).⁶ Apart from these, banishment of nomadic tribes (Yörüks) from Anatolia and conversion to Islam of non-Muslim Cypriots continued to form the main elements of the Muslim fabric on the island throughout the Ottoman period.⁷

During the three centuries of Ottoman rule (1571–1878) the island evolved into a demographic mosaic of Orthodox and Muslim villages, interspersed with many mixed settlements. Religious difference was not a source of conflict but acted as a barrier against social integration. Inter-marriage of Christian women to Muslim men was a rare phenomenon but nevertheless occurred. Marriage of a Christian man to a Muslim woman was not regarded as permissible.⁸

A small Ottoman bureaucracy, aided by the Greek Orthodox clergy, governed the island. The living conditions of the Muslim subjects in Cyprus did not differ significantly from those of the Orthodox subjects. Most of the population, Muslim as well as non-Muslim, were small farmers. The superior status of Muslims was, however, manifested in subtle ways. The Orthodox subjects were required to show deference to Muslims and were, for example, forbidden to remain mounted on their horses as they passed Muslims.⁹

During the later period of the Ottoman Empire, an informal socio-economic division between Muslims and non-Muslims emerged. As elsewhere in the Empire, the Orthodox subjects, who were not required to serve in the army, engaged in trade and commerce to a greater extent than did the Muslim population while Muslims, as representatives of the ruling power, dominated the bureaucracy and the military.¹⁰ The Turks on the Island were engaged in farming as their principle economic activity. The population of Turkish Cypriots and Greek Cypriots were about the same until the middle of 18th century while most of the land was owned by the Turks.

⁵ *Ibid.*

⁶ Ahmet C. Gazioğlu, *The Turks in Cyprus*, London: K. Rüstem and Brother, 1990,

⁷ Unlike the island's previous Catholic rulers, the Ottoman authorities did not actively seek to convert their subjects. In addition to prohibitions in Islam against forced conversion, there was also another disincentive: conversion of local Christians also carried a price for the Ottoman administration as it meant an attendant loss of tax revenues as non-Muslim subjects had to pay higher taxes.

⁸ Ronald C. Jennings, *Christians and Moslems in Ottoman Cyprus and the Mediterranean World, 1571-1640*, New York: New York University Press, 1993.

⁹ Claude Delaval Cobham (transl.), *Excerpta Cypria*, Cambridge: Cambridge University Press, 1908; and Sir George Hill, 1952.

¹⁰ Niyazi Kızılyürek, *Milliyetçilik Kışkacında Kıbrıs*, İletişim Yayınları, İstanbul, 2002, pp. 209-212.

Greek nationalism arrives in Cyprus

The beginning of the nineteenth century was marked by the development of national sentiments among the non-Muslim subjects of the Ottoman Empire. In 1821, the Orthodox subjects in Pelloponnese, Sterea Hellas and the Aegean islands revolted against the Ottomans. The same year in Cyprus, several hundred Greek Orthodox subjects, including the Archbishop and other notables, were accused by the Ottoman Governor with complicity in preparing for rebellion in Cyprus and were executed.¹¹ These events, whatever their root-causes were, created a serious friction between the Ottoman rulers and the Greek Orthodox community in Cyprus.¹²

After several years of fighting, the Ottomans were forced, especially under pressure from the Western powers, to recognize Greek independence under the London Convention of 1832. This acted as a spur to the growth of an Hellenic national consciousness also among the Orthodox Cypriots. The idea of *enosis* (unification with Greece) gained widespread attraction. The Orthodox Cypriots, albeit initially only the urban and educated among them, gradually became part of a wider Hellenic movement.

The process was actively fostered by the newly independent Greek Republic, especially via their consular system, which expanded from the 1840s onward, with consulates being opened in the major geographical points of Greek settlements throughout the Ottoman Empire. This development of Hellenic consciousness and identity was greatly assisted by the construction from the 1860s onwards of a Greek educational network and the opening of Greek schools among the Orthodox communities in Asia Minor and Cyprus.¹³

Cyprus comes under British rule

In 1878 the island came under British administration (although formally remaining under Ottoman sovereignty), under the terms of a British-Ottoman defence agreement. British rule produced new grievances, which together with a greater freedom of expression (at least initially) encouraged the growth of nationalism¹⁴. Under the terms of British-Ottoman defense agreement, Turkey agreed to assign Cyprus to Britain to occupy and rule, though not legally possess it. According to an annex to the Convention (1 July 1878), Cyprus was to be returned to Turkey.¹⁵ Indeed, the Greeks in Cyprus had hoped that the British would expedite the unification of Cyprus and Greece, as they had previously done with the Ionian Islands. The following correspondence provides a vivid demonstration of this expectation and the British response to it at the time.¹⁶

The recognition and fulfilment of the historical national rights of the Cyprus Hellenes, the small Mohammedan minority might disapprove, but its numerical existence in the island is not so strong as to entitle it to dispose of the National faith of this most Hellenic island, nor can it be alleged that its real activity in civilising and economic progress is

¹¹ Hill, 1952.

¹² Cobham, 1908, pp. 450-469.

¹³ Kızılyürek, 2002, pp. 51-53.

¹⁴ Rolandos Katsionis, *Labour, Society and Politics in Cyprus during the Second Half of the Nineteenth Century*, Cyprus Research Centre, Nicosia, 1996, pp. 72-77.

¹⁵ Zaim M. Necatigil, *The Cyprus Question and the Turkish Position in International Law*, Oxford University Press, 1996, p.3.

¹⁶ The Cyprus Gazette (Extraordinary), No. 898, 17th October 1907, pp.6299-6306.

possessed of any significance. Trade, Science, Arts, Letters, Industry and every work connected with mental or economical progress, are almost exclusively exercised by Cyprus Hellenes.

It would be a great injustice to the co-habiting majority and a flagrant denial of the sacred right of Nationalities, were it hampered by a small alien minority from its highest National Rights and the fulfilment of its great mission. The Mohammedan minority will not be prejudiced by following the National faith of the Hellenic Majority; but on the contrary, will in a good many respects be benefited, as the Hellenic race has practically exhibited a remarkable religious tolerance and tendency to communicate its own blessings to the foreign races, from the remotest years up to the day, as in Thessaly, Epirus, Crete and elsewhere.

The Honourable and Right Reverend the Bishop of Kitium, M.L.C., in a written address to the Right Honourable W.S. Churchill, M.P., Under-secretary of State of the Colonies, 12th October, 1907.

I fail to discern at present any way by which the influence and power of the Greek Elected Members [of the Cyprus Legislative Council¹⁷] could be increased which would not in fact involve a surrender of sovereignty and an inability, not only on the part of the British Government but also in that of the Moslem minority, to exercise any further influence on the course of affairs.

When I pass to the even bigger political question... of Union of Cyprus with Greece, I must speak at a little greater length. That is... the gravest and most serious question which could possibly be raised. It involves not only an absolute change in the Government of the Island, but also the abrogation of the Treaty with Turkey. It involves further the setting aside of the views of nearly one third of the population and the creation of what would probably be a permanent and dangerous antagonism between the two sections of the community.

The opinion held by the Moslem population of the Island that... the mission of Great Britain in the Levant should not be to impair the sovereignty of the Sultan, is one which His Majesty's Government are equally bound to respect.

Part of Churchill's reply.

In 1914, the British annexed the island upon entry of the Ottoman Empire into the war against the Allies. Moreover, one year later the British offered Cyprus to Greece as an inducement to enter World War One on its side. King Constantine of Greece, however, declined and the offer was withdrawn.¹⁸ However, Turkey did not recognize this until the Treaty of Lausanne in 1923.

The beginning of Turkish nationalism in Cyprus

In the meantime, the vast Ottoman Empire with its ethnically diverse population was trying to resist the centripetal forces of ethno-nationalism threatening to dismantle it from within. The *millet* system on which the Empire's rule had rested contained the seeds of its own destruction. With the reforms of the *Tanzimat* (reconstruction) era after 1839, the Ottoman rulers had embarked on a nation-building project of their own in an attempt to transform the empire into a state modelled on Western examples.

¹⁷ The Legislative Council in Cyprus was established by the British in 1882 and consisted of twelve elected and six appointed British members. The twelve elected members were divided in proportion to the numbers of Christian and Muslim elements in the population.

¹⁸ Hill, 1952

This ideology, known as Ottomanism, envisaged a common Ottoman identity based on the equality of all ethno-religious groups in the Empire.¹⁹

However, the growth of nationalism among subject populations was unstoppable and continued to spread throughout the Balkans. Another development was the emergence of nationalism among the Muslim subjects of the Empire, including a pan-Islamist movement and later a pan-Turkist movement.²⁰ The conflict of rival nationalisms culminating in the outbreak in 1912 of the Balkan Wars virtually brought about the end of the Ottoman Empire. In its wake, a narrower Turkish nationalism emerged in the 1920s, linked to the venture of the founding of the Empire's successor state, the Turkish Republic.

When the Republic of Turkey was founded in 1923, Cyprus had already been severed from the Ottoman Empire for several years. When the Ottomans joined World War I against the Allied Forces, the island's Muslim inhabitants were asked to choose between adopting British nationality or retaining their Ottoman subject status in which case they had to leave the island.²¹ In 1923 the Republic of Turkey renounced all claims to former Ottoman territories outside of eastern Thrace and the Anatolian heartland. The Muslims in Cyprus thus found themselves excluded from the nation-building project of their 'motherland'. Some of them heeded Atatürk's call to Turks in adjacent territories to join in the establishment of the new republic and took advantage of the opportunity (open between 1924 and 1926) to opt for Turkish citizenship before it expired.²²

The establishment of a Turkish state and the attempt to forge a Turkish nation amongst its citizens had a significant impact on the island's Muslim population. Similar to the way in which the Greek state extended to the island's Greek community its assistance in educational and other communal matters, the Turkish Republic cultivated links with the Turkish minority on the island whilst at the same time taking care not to be seen by the British rulers as interfering in the colony's internal affairs. Ankara's assistance involved sending teachers to Cyprus and providing access to higher education in Turkish for the Turks in Cyprus.²³

Although excluded from the Turkish nation-building project, the Muslim Cypriot community gradually embraced the ideology of Turkish nationalism. Similar to the way Greek nationalism had been espoused by the Orthodox Cypriots some hundred years earlier, Turkish nationalism developed among the island's Muslim community in the 1930s. At the core of this nationalism were the 'Kemalist' values of secularism, modernization and Occidentalism.²⁴

Kemalist reforms, such as the introduction of the Latin alphabet, the secularisation of education, and the introduction of a western dress code, rapidly found their way to Cyprus where they found fertile soil, the ground for 'westernisation' having already been prepared through decades of British rule. Those Cypriots who until then had

¹⁹ Şerif Mardin, *Yeni Osmanlı Düşüncesinin Doğuşu*, Toplu Eserleri 5, İletişim Yayınları, İstanbul, 1996.

²⁰ François Georgeon (transl. Alev Er), *Türk Milliyetçiliğinin Kökenleri: Yusuf Akçura (1876-1935)*, Tarih Vakfı Yurt Yayınları, İstanbul, 1999.

²¹ It is estimated that up to 8,000 (one-eighth of the Muslim population in Cyprus) chose the latter option. See Ahmet Gazioğlu, *İngiliz İdaresinde Kıbrıs: 1878-1960*, İstanbul, 1960, p. 28.

²² *Ibid.*, p. 31-33.

²³ Bülent Evre, *Kıbrıs Türk Milliyetçiliği: Oluşumu ve Gelişimi*, Işık Kitabevi Yayınları, Lefkoşa, 2004, pp. 90-101.

²⁴ *Ibid.*, pp. 71-72.

identified themselves primarily as Muslims began to see themselves as Turks in Cyprus. Some of them, particularly elements of the privileged section of the community, however, continued to embrace an Islamic identity.²⁵

Part of the elite, particularly those employed in the colonial administration, had come to identify themselves more as subjects of the British Empire. Another group was the Turkish nationalists who orientated themselves more towards the new Turkish Republic. These and the British loyalists contended for the leadership of Muslims in Cyprus, as it became evident in the elections of the community's representatives to the Legislative Council. However, these internal differences were increasingly overshadowed by the need to counter the demands of the Greeks in Cyprus for *enosis*.

The Greek Cypriot quest for *enosis* and Turkish Cypriot opposition

After the World War I the intensity of Greek Cypriot demands for *enosis* continued to rise and gradually became more organised with the aim of gathering larger popular support. The Turkish Cypriots on the other hand were watching this development with suspicion and fear. Their leaders attempted to voice their opposition to *enosis* whenever they had a chance, as in the following excerpt from a speech in the Legislative Council by Zekia Efendi in 1930.²⁶

We vehemently protest against this [pro-*enosis*] representation as we have always done in the past. We believe that if Cyprus were annexed to Greece there would be no chance of life for the Moslems in Cyprus. We know that the Greeks are in the majority in Cyprus, but there are many other countries in the world similar to Cyprus which are being administered by foreigners in spite of the fact that the majority of the people belong to another race. As is known to you, there is no principle in international law providing for the annexation of every country to the country which is homogeneous to it. Therefore I am surprised that my honourable Greek colleagues feel able to base this claim on international law. It would be possible to benefit the island much more if the question of union were set aside and of all the members of the Council were united in the taking of measures calculated to promote the development and progress of the country ... The divergent national feelings and sentiments prevailing in the island would make impossible the administration of justice in the island.

In October 1931, against a backdrop of economic crisis and general world recession, a British proposal to raise taxes ignited the flames of revolt in Cyprus. A series of riots throughout the island by crowds of Greek Cypriots crying for *enosis* resulted in several deaths and the burning down of the British Government House in Nicosia. The Legislative Council was abolished. In an effort to counteract the leading role played by the Orthodox clergy in the nationalist movement, two bishops were deported. Also, until 1946 the election of archbishop was made subject to the governor's approval (when, two years after the revolt, the archbishop died, the Greek Cypriots were prevented from electing a successor; the position was to remain vacant until 1947).²⁷ The retributions only helped to intensify Greek Cypriot

²⁵ *Ibid.*, p. 69.

²⁶ G. S. Georghallides, *Cyprus and the Governornship of Sir Ronald Storrs: the Causes of the 1931 Crisis*, Cyprus Research Centre, Nicosia, 1985, pp. 390-391.

²⁷ James A. McHenry, *The Uneasy Partnership on Cyprus, 1919-1939*, Garand Publishing, Inc., New York and London, 1987, pp. 79-114.

opposition to British rule, and brought the nationalist movement more exclusively under the patronage of the Greek Orthodox Church of Cyprus.²⁸

After the riots the British imposed further harsh measures to quell nationalist mobilization in the colony. Military reinforcements were dispatched to the island, press censorship was imposed and political parties proscribed. Although the island's Turks had not taken part in the disorders of 1931, the measures applied also to them. Bans were instigated against the formation of nationalist groups, the teaching of Greek and Turkish history was curtailed, the flying of the Greek and Turkish flags and the public display of portraits of Greek and Turkish heroes were forbidden.²⁹

In World War II, Cypriots, Turks and Greeks alike, supported the Allied cause. More than 30,000 participated in the war efforts. In reward, the British rule became more lenient. Some of the restrictions were lifted and permission was granted to form political parties. In 1943, municipal elections were again held, the first time since the crackdown of 1931.³⁰

The election results revealed the existence of an ideological rift within the Greek Cypriot community. Divisions mirrored those of Greece during the 1940s where left wing and right wing forces had clashed in a civil war. The newly founded communist party *AKEL* (Anorthotikon Komma Ergazomenou Laou/Progressive Party of the Working People), a successor to an earlier communist party that had been proscribed in the 1930s, made considerable headway, gaining control of the important cities of Famagusta and Limassol. In the municipal elections of 1946, a coalition of *AKEL* and the communist oriented trade union *PEO* (Pankypria Ergatiki Omospondi/Pan-Cyprian Federation of Labour/), won the four main towns.³¹

At the end of World War II, the British government announced its intention to call for a consultative assembly to discuss the constitutional future of Cyprus. While the Church refused to contemplate any plan that excluded *enosis*, *AKEL* was willing to participate in discussions for arrangement for a period of self-government while the island remained under British rule. At the time, Greece was governed by a fiercely anti-communist government, which made *enosis* a less attractive option to *AKEL*'s supporters.³²

AKEL was also aware that support for *enosis* would eliminate their chances of being able to reach out to the Turkish Cypriots on ideological grounds. The appeal of communism among Turkish Cypriots was considerably less although some were members of left-wing trade unions. However, most of the Turkish Cypriot workers and farmers were members of Turkish trade unions, which organised into a single Federation in 1943. Turkish Cypriots at the time also felt they had to oppose the ideology of the Soviet Union, which was seen as a main threat against Turkey, during the Cold war.³³

In 1948, the British made a proposal for limited 'home rule.' The Greek Cypriot reactions were mixed. *AKEL* rejected it on grounds that it did not satisfy their demand

²⁸ Zenon Stavrinides, *The Cyprus Conflict: National Identity and Statehood*, Nicosia, 1976, pp. 19-20.

²⁹ McHenry, 1987, pp. 79-114.

³⁰ Nancy Crawshaw, *The Cyprus Revolt*, George Allen & Unwin, London, 1978, p. 31.

³¹ Crawshaw, 1978, p. 31.

³² Stanley Kyriakides, *Cyprus: Constitutionalism and Crisis Government*, University of Pennsylvania Press, Philadelphia, 1968, pp. 30-31.

³³ Stavrinides, 1976, p. 21

for self-government. The right wing accepted it at first but later rejected it on the instruction of the Church.³⁴ As the idea of *enosis* gained in popularity, and the Church of Cyprus consolidated its control of the Greek Cypriots, *AKEL* felt obliged to shift its position in 1949 and rally behind the nationalist demand for '*enosis* and only *enosis*'. The alternative was believed to carry too high a political price. The left wing and the right wing, under the leadership of the Church, struggled for the leadership of the nationalist movement.³⁵

The Turkish Cypriots, for their other part, were becoming increasingly concerned with the apparent flexibility of the British Government *vis-à-vis* the Greek Cypriot demands. In an effort to voice their opposition both to *enosis* and to self-government, they decided to organise their own resistance. In 1948, *Kıbrıs Türk Halk Partisi* (the Turkish Cypriot Popular Party) was established under the leadership of Dr Fazıl Küçük. The same year, meetings and rallies were organised in the main towns all over the island. Calls were made to Turkey to counter the Greek demands, which they feared would mean the annihilation of the Turkish Cypriot community. These calls evoked intense popular interest in Turkey in the fate of the Turks in Cyprus, especially among the press and the youth.³⁶

Throughout the 1940s, many Turkish Cypriot organisations were formed with the purpose of opposing the union of Cyprus with Greece. In 1949, these organisations decided to join together under the umbrella organisation of KTKF (*Kıbrıs Türk Kurumları Federasyonu*/the Federation of Turkish Cypriot Organisations) in order to defend the rights of Turkish Cypriots more efficiently.³⁷

In January 1950, the Church organized a plebiscite among the Greek Cypriots (by getting them to sign their names openly in churches), which showed that a majority of 95.7 per cent of the Greek Cypriot adult population was in favour of *enosis*. The British, however, refused to contemplate any change in the island's status. Soon after the plebiscite, newly elected Archbishop Makarios III took command of the *enosis* campaign as the Etnarch of the Greek Cypriot people. At this time, Greece was still reluctant to champion the Greek Cypriot cause. Weakened by four years of civil war, Athens was in no position to risk a conflict with Great Britain, its former protector and NATO-ally.³⁸

The internationalisation of the Cyprus question and Turkey's involvement

Makarios embarked on an international campaign with the aim of increasing the pressure on Britain to concede to Greek Cypriot demands for 'self-determination' (in fact *enosis*). Makarios eventually managed to mobilise public opinion in Greece, where pro-*enosis* mass rallies were organized. The Greek Government soon had no choice but to commit itself to promote *enosis*. Categorical statements by the British Minister of State for the Colonies, Henry Hopkinson, on 28 July 1954 to the effect that

³⁴ *Ibid.*, p. 23

³⁵ Crawshaw, 1978, pp. 41-42.

³⁶ Kızılyürek, 2002, pp. 223-236.

³⁷ Evre, 2004, pp. 111-115.

³⁸ Kızılyürek, 2002, pp. 95-97.

independence for Cyprus could never be contemplated infuriated both Greece and the Greek Cypriots and prompted Greece to take a more proactive approach.³⁹

On 16 August 1954, Greece launched its first appeal to the UN, demanding the 'application, under the auspices of the UN, of the principle of equal right and self-determination of peoples in case of the population of the island of Cyprus'. After a brief discussion in the General Assembly, the question was shelved, however. Although the word *enosis* had been deliberately avoided in the appeal in order to pre-empt British claims that Greece was trying to annex the island, no-one was left in any doubt that the recognition of the right to self-determination for Cyprus, with its Greek Cypriot majority, inevitably would result in *enosis*.⁴⁰

Britain, for her part, whilst being aware that it held the island against the will of the majority of its inhabitants, was anxious to avoid framing the problem as one of self-determination. Instead, Britain based its position in the UN mainly on strategic and legalistic arguments, denying the UN any jurisdiction on the issue. Britain also stressed the necessity of keeping Cyprus in order to be able to fulfil its strategic obligations in the Middle East and to NATO.⁴¹

London also tried to counterbalance the Greek claims by emphasising the 'legitimate interest' of Ankara in Cyprus that derived from its geographical proximity and the existence of a Turkish community on the island. Ankara had hitherto been reluctant to act on concerns voiced by the Turkish Cypriots that the island risked falling into the hands of Greece. However, once the Cyprus issue had entered the agenda of the General Assembly, Turkey announced that in the event of a British withdrawal from the island the Treaty of Lausanne would become invalid, and that in that case the island should be 'returned' to Turkey as the successor to the Ottoman Empire.⁴²

Getting Turkey involved in the Cyprus issue had been vital for Britain in order to justify the preservation of its colonial rule, and indeed of its NATO obligations and British 'interests' in the region (e.g. protecting the Suez Canal). Although the British failed to gain support for their position that Cyprus was an internal affair, the British managed to prevent any substantial UN decisions on the Cyprus issue. Moreover, the attempt at internationalisation had introduced Turkey as a party in the conflict. Whereas the Greek Cypriots were determined to keep up international pressure with the help of Greece who continued to raise the matter in the UN throughout the rest of the 1950s, pressure on the colonial power was to increase from within the colony too.

The EOKA campaign and the emergence of the idea of *taksim*

On 1 April 1955, the Greek Cypriot underground guerrilla organization EOKA (*Ethniki Organosis Kyprion Agoniston*/National Organization of Cypriot Fighters) led by a Greek Colonel of Cypriot descent, George Grivas, initiated an armed struggle against the British. The beginning of the EOKA struggle had in fact been in preparation since the early 1950s. Archbishop Makarios, although sceptical and indecisive in the

³⁹ In his speech in the House Commons, Henry Hopkinson said: 'It had always been understood and agreed that there are certain territories in the Commonwealth which, owing to their particular circumstances, can never expect to be fully independent.' (Quoted in Clement H. Dodd, *The Cyprus Imbroglia*, The Eothen Press, Cambridgeshire, 1998, pp. 11-12.)

⁴⁰ Stavrinides, 1976, pp. 22-24.

⁴¹ Crawshaw, 1978, pp. 83-89.

⁴² Dodd, 1998, p. 13.

beginning, later came to accept Grivas's plans about waging a guerrilla war. In 1952, a Liberation Committee had been formed in Athens to procure arms and other support for the struggle. The contribution of the Greek Government in these preparations in terms of arms, propaganda work and diplomatic activity was generous.⁴³

The launching of the EOKA campaign for *enosis* marks a fundamental change in the nature of the Cyprus conflict. The initial reaction of most ordinary Greek Cypriots to the armed struggle was ambivalent. The communists denounced it: Grivas, the leader of EOKA, was a well-known anti-communist. However, the harsh response by the British in their efforts to suppress the uprising, which included the imprisonment and execution of EOKA gunmen, unified the Greek Cypriots in their struggle against the 'oppressor'. With the presence of an armed organisation, dissent became risky. 'Traitors' diverging from the path directed by the 'national cause' were duly and severely punished.⁴⁴

Initially, EOKA⁴⁵ avoided attacking Turkish Cypriots: theirs was a struggle against an alien ruler, not against Turkish Cypriots. Like other minorities in Greece, also the Turkish Cypriots would enjoy security and rights after *enosis*, it was claimed. The Turkish Cypriots, however, vehemently opposed the prospect of becoming a minority within a state dominated by an 'enemy' people, and became increasingly horrified with the intensifying Greek Cypriot violence.⁴⁶

In the mid 1950s Turkey abandoned its original position that Cyprus should either remain British or 'revert' to Turkish rule, in favour of the idea of dividing the island between Turkey and Greece, *taksim*. Consequently, Dr Küçük re-organised his party under the name *Kıbrıs Türktür* (Cyprus is Turkish). This demand, expressed by the slogan 'ya taksim, ya ölüm' (*taksim* or death), quickly found widespread support among Turks in Cyprus as well as in Turkey. The statement made in 1956 by Alan Lennox-Boyd, the then British Colonial Secretary, that if the time ever came when it would be possible to grant self-determination to Cyprus it would have to be granted to both communities, was regarded by the Turkish Cypriots as an endorsement of their cause.⁴⁷

The already strained relations between the two communities were made worse by the British forming an Auxiliary Police Force made entirely of Turkish Cypriots to fight EOKA. In 1957-58, there were a number of incidences of violence between the two communities. In order to counter the threat from EOKA and to back up with force their own political goal of *taksim*, the Turkish Cypriots created an armed clandestine organisation of their own, first named *Volkan* and later re-organised as TMT (*Türk Mukavemet Teşkilatı*/Turkish Resistance Organisation). EOKA retaliated by raiding police stations with Turkish Cypriot policemen as their main targets and by abolishing all restrictions on attacking Turkish Cypriots.⁴⁸

With these developments in the 1950s, the nature of the Cyprus dispute changed. The conflict had originally started as a dispute between the British colonial

⁴³ Stavrinides, 1976, pp. 24-30.

⁴⁴ Ibid., pp. 24-30.

⁴⁵ This was known as EOKA-A that fought against the British rule while the entire aim of EOKA-B was to erase the Turkish existence from the Island.

⁴⁶ Ibid., pp. 24-30.

⁴⁷ Ibid., pp. 24-30.

⁴⁸ Ibid., pp. 24-30.

administration and its Greek Cypriot subjects. It now had become an international dispute also involving Greece and Turkey. The conflict between the two communities on the island grew into one that could not be separated from the wider Greco-Turkish dispute, with both 'motherlands' seeking to protect their national interests.

Eventually the British proposed the so-called MacMillan Plan that sought to bring the two motherlands into directly sharing responsibility for the island. The plan ruled out *enosis* and provided limited self-rule with the participation of Greece and Turkey. Both countries, however, rejected the proposal, as did the Greek Cypriots. The Greek Cypriots were opposed to it particularly because of the prospect of Turkey becoming part of the government. Instead, with backing from Greece, Makarios proposed a formula for an independent state under UN protection. Neither Turkey nor Britain accepted this proposal.⁴⁹

⁴⁹ Crawshaw, 1978, pp. 294-339.

Independence: Establishment of a bi-communal government and its collapse

In 1958, talks started between Greece and Turkey, and with British support led to the formulation of the idea of an independent Cyprus state in which power would be shared between the Greek Cypriots and Turkish Cypriots, and both *enosis* and *taksim* would be banned. In February 1959, a formal agreement was signed in Zürich between Turkey and Greece, and shortly afterwards it was endorsed in London by Britain, Greece and Turkey, and by Archbishop Makarios and Dr Küçük on behalf of the Greek Cypriots and Turkish Cypriots.

According to the Zurich-London Agreements, the new partnership state with restricted sovereignty, was to be protected by Britain, Greece and Turkey under a Treaty of Guarantee. In December 1959, Archbishop Makarios was elected president and Dr Küçük vice-president of the new Cyprus Republic. The elections for the House of Representatives took place in July 1960. On 16 August 1960, Cyprus became a republic with a Constitution interlinked with three Treaties: the Treaties of Establishment, Guarantee and Alliance.

The 48 Basic Articles of the Constitution could not be amended unless by mutual agreement between the two communities. Under the Treaty of Guarantee, Britain, Greece and Turkey undertook to 'recognise and guarantee the independence, territorial integrity and security of the Republic of Cyprus, and also the state of affairs established by the Basic Articles of its Constitution.' Article IV of the Treaty of Guarantee stated that:⁵⁰

In the event of a breach of the provisions of the present Treaty, Greece, Turkey and the United Kingdom undertake to consult together with respect to the representations or measures necessary to ensure observance of those provisions.

In so far as common or concerted action may not prove possible, each of the three guaranteeing Powers reserves the right to take action with the sole aim of re-establishing the state of affairs created by the present Treaty.

According to article 181 of the Constitution, the Treaties of Guarantee and Alliance were to 'have constitutional force.' The Treaty of Establishment excluded from the boundaries of the Republic the two areas containing the British military bases of Akrotiri and Dhekelia (totalling 99 square miles). Britain was to retain sovereignty over these areas and was also given certain military rights (including an electronic surveillance facility) on the territory of the Republic.

The Republic was to have a presidential regime, with a Greek Cypriot president elected by the Greek Cypriot and a Turkish Cypriot vice-president elected by the Turkish Cypriots. The executive power was vested in the Greek Cypriot President and the Turkish Cypriot Vice-President, both enjoying veto power. The constitution and its administration were based on the principle of bi-communality, employing a 70:30 ratio of Greek Cypriots and Turkish Cypriots (whose relative share of the total population was closer to 80:20).

There was to be a ten-member Public Service Commission, with seven Greek Cypriots and three Turkish Cypriots. Certain decisions of the Commission were

⁵⁰ Keith Kyle, *Cyprus In Search of Peace*, Minority Rights Group, London, 1997.

subject to the approval of at least two Turkish Cypriot members. Three out of ten ministers were to be chosen by the vice-president, of whom one was to be given one of the three major portfolios (in practice, this turned out to be defence), and the remaining seven by the president. Decisions in the Council of Ministers were to be taken by absolute majority. The president and the vice-president each had an absolute veto over decisions on matters of defence, foreign affairs and internal security and a delaying veto on other matters.

Of the fifty seats in the House of Representatives, 15 were to be held by Turkish Cypriots. Legislative decisions were to be taken by absolute majority, except modification of electoral law, or of laws concerning municipalities, or taxation, which required separate majorities. In addition, there were also two Communal Chambers elected by the respective communities. With responsibility for religious, educational, cultural and other similar matters, the Chambers in practice gave the two communities extensive cultural autonomy. The separate municipalities in five major towns established during British rule were to remain in place.

The judiciary consisted of the Supreme Constitutional Court and the High Court of Justice. Each would have a non-Cypriot President who would not be from Britain, Greece or Turkey. The Supreme Constitutional Court was to have one Greek Cypriot judge, one Turkish Cypriot judge, and the High Court of Justice two Greek Cypriot judges and one Turkish Cypriot judge.

There was to be a Cypriot army consisting of 1,200 Greek Cypriot and 800 Turkish Cypriot soldiers. The police force would comprise 1,400 Greek Cypriots and 600 Turkish Cypriots. Under the Treaty of Alliance, a tripartite headquarters of the three Guarantors would be established, and a Greek contingent of 950 soldiers, and a Turkish one of 650 would be stationed in Cyprus to defend the Republic of Cyprus and also to train the Cypriot army.

Reactions

The Greek Cypriot right wing was not at all satisfied with the settlement and criticised Makarios for signing the Zurich-London Accords as a betrayal of their sacred cause of *enosis*. AKEL's position was that, despite its defects, the settlement put an end to colonial rule, gave its people limited self-government, and the state an international personality. With these advantages, the people should struggle to complete their national liberation and independence, which was restricted by the retention of 'imperialist' military bases on the island and by the rights Turkey had secured in Cyprus.⁵¹ (On the other hand, they didn't seem to be particularly perturbed by the rights secured by Greece.)

AKEL was not opposed to the settlement, but it was opposed to the election of Makarios as president, whom it believed would lead Cyprus into NATO. By holding onto the banner of *enosis* and presenting independence as a 'stepping stone' towards *enosis*, Makarios nevertheless succeeded in being elected as the president of the new State. On the 16th of August, the very day the Republic was inaugurated, he declared:⁵²

⁵¹ Kızılyürek, 2002, pp. 106-108.

⁵² Stavrinides, 1976, pp. 34-40.

Independence was not the aim and purpose of the EOKA struggle... Foreign factors have prevented the achievement of the national goal, but this should not be cause for sorrow... New bastions have been conquered and from these bastions the Greek Cypriots will march on to complete the final victory.

Among the Turkish Cypriot community, there was a certain opposition to the settlement in the beginning, especially from the more ardent supporters of *taksim*. But with the encouragement from Turkey, a general sense of satisfaction eventually prevailed over these protests. The view taken by the Turkish Cypriots was that the rights given to them by the constitutional arrangements should be defended and exercised to the end. In Denктаş's words:⁵³

...The Turkish community was accepted as a partner in the creation of the Republic of Cyprus. Its contribution to this Republic is 20%. But its partnership rights in protecting its sovereignty, its territorial integrity is on equal basis... You may argue that this right is unjustified. But we say that this is past argument. We have created the Republic of Cyprus. That is a reality. It has to be accepted.

Nevertheless, the Turkish Cypriot leadership was aware that their Greek Cypriot partners were resentful of the 'excessive rights' granted to the Turkish Cypriot community. It was also obvious to them that the Greek Cypriot struggle for *enosis* would continue. Thus, they did not rule out the possibility of a violent breakdown, which indeed came three years after independence.

Constitutional crisis and the collapse of the bi-communal government

The ethos of bi-communal collaboration, which was necessary to make the finely balanced constitution work, was seriously lacking from the start. Neither side trusted the other enough to show restraint in overcoming the difficulties that arose in the functioning of the State. Some of the main disputes were as follows:

- a) Vice-President Dr Küçük, since he had an absolute veto power over foreign policy, demanded to be told what that policy was. He complained that the Greek Cypriot Foreign Minister Kyprianou was not cooperating in that. He was particularly opposed to Makarios adopting a policy of non-alignment without consultation with him.
- b) The Vice-President vetoed the Council of Ministers' decision to have the Cypriot Army mixed at all levels, as opposed to having certain units exclusively made up of Turkish Cypriots. As a result, the President decided not to form an army at all.
- c) According to the Constitution, separate Greek Cypriot and Turkish Cypriot municipalities were to be established in the five main towns, and legislation needed to be passed to give constitutionality to the already existing separate municipalities in these towns. The Greek Cypriots, arguing that this would be a needless and costly duplication of staff and services, and worried that separate municipalities would be the first step towards partition, were reluctant to implement this provision. In December 1962, the Greek Cypriot members of the House rejected a further continuation of the existing situation. The Turkish Cypriot Communal Chamber then reacted by confirming the position of the Turkish municipalities. This was followed by the decision of the Council of Ministers to replace all the elected municipalities by appointed development

⁵³ Rauf Denктаş, *The Cyprus Problem*, Nicosia, 1974, pp. 57-58

boards. Both actions were found unconstitutional by the non-Cypriot neutral president of the Supreme Constitutional Court.

- d) Frictions arose when the Turkish Cypriots insisted on the quick implementation of the principle of the 70:30 ratio in the public service. The Greek Cypriots argued that there was not an adequate number of Turkish Cypriots with necessary qualifications to fill these quotas at all levels. Another point of objection was that this provision was not fair as it ignored the fact that the ratio of the populations of the two communities was 80:20.
- e) There was a deadlock on the passing of the tax legislation: the Turkish Cypriots, in retaliation to the refusal by the Greek Cypriots to implement the provision in the Constitution for separate municipalities, used their vote in the House of Representatives to block the financial legislation submitted by the Council of Ministers. Consequently, the Republic remained without an income tax law. This infuriated the Greek Cypriots who saw the situation as an exploitation of the separate majorities provision by the Turkish Cypriots to force their demands on the Government on other issues.⁵⁴

While the Turkish Cypriot leaders were determined to hold firmly onto to the provisions of the settlement, the Greek Cypriots leaders, who saw this only as an imposed transitory stage, were already making preparations for the next phase of their struggle for *enosis*. In 1961, a Greek Cypriot secret army was organised under the leadership of Polycarpus Yorgadjis, the Minister of the Interior of the Republic. According to R. Patrick, the Canadian researcher, 'Although the EOKA organisation of 1955-59 campaign had been disbanded, many of its weapons had never been handed over to the Cyprus police and the loyalties and obligations of its cells remained intact. These cells became the cadres of the new force.'⁵⁵ At the same time, Minister Yorgadjis, was recruiting as policemen ex-EOKA men loyal to himself and President Makarios.

The Greek Cypriot leadership's agreed political and military strategy for this period was outlined in the so-called Akritas Plan as follows:⁵⁶

- (1) Amend the 'negative' parts of the 1960 constitution;
- (2) Abrogate the Treaties of Guarantee and Alliance which forbade *enosis* and justified the armed intervention of Britain and Turkey to restore the 1960 constitution;
- (3) Gain international support for the Greek Cypriot community's rights to self-determination;
- (4) Legitimise *enosis* by means of plebiscite based on the right of self-determination.

However, the Greek-Cypriots leaders accepted that an armed struggle would probably be necessary to overcome Turkish Cypriot opposition to such political moves. Archbishop Makarios, President of the Republic, entrusted Greek Cypriot military preparations for the future conflict to a triumvirate composed of Glafkos Clerides, President of the House of Representatives, Tassos Papadopoulos, Minister

⁵⁴ Kyle, 1997.

⁵⁵ Richard A. Patrick, *Political Geography and the Cyprus Conflict: 1963-1971*, University of Waterloo, Ontario, 1976, pp. 35-36.

⁵⁶ *Ibid.*

for Labour, and Polycarpos Yorgadjis, Minister of the Interior. The military strategy which evolved was based on the assumption of a quick Greek-Cypriot victory. Once inter-communal fighting was precipitated, Greek-Cypriot forces, which had been secretly armed and trained, would concentrate in Nicosia and over-run the Turkish Cypriot quarter. These forces would then move on to neutralise other Turkish Cypriot centres in turn. Meanwhile, Turkish-Cypriot villages and quarters would be blockaded until sufficient Greek-Cypriot forces became available to disarm and occupy them. The whole operation was to be completed within a few days so that a *fait accompli* would confound any attempt by Turkey or Britain to restore the 1960 status quo.⁵⁷

The Turkish Cypriot leadership, whose political strategy was to insist on the exact implementation of the constitutional provisions, were on the other hand ready to revert to their original goal of *taksim* in case of a renewed Greek-Cypriot action for *enosis*. Rauf Denктаş, President of the Turkish Cypriot Communal Chamber at the launch of the Republic, was particularly pessimistic about the political intentions of the Greek Cypriot leaders from the start. In his memoirs he recounts:⁵⁸

16 August 1960 – the day the Cyprus Republic was born. While we were celebrating this as a happy day on which our partnership, our equality was accepted and guaranteed by the Turkish contingent landing at the port of Famagusta and opening its flag; Makarios was giving to the Greek Cypriots the message that ‘International treaties are not permanent, they can be amended; what is permanent is the national goal,’ and saying that ‘After eight centuries Cyprus has gone under Greek rule.’ Zealous EOKA men had become Cabinet Ministers, or got key positions in the administration. The operation of cleansing of the ‘traitors’ was continuing on the Greek Cypriot side. The Greek Cypriot press was going on about how the Zürich-London Agreements were not working...

... During this period [between the signing of the Agreements in London in February 1960 and the founding of the Cyprus Republic in August 1960] apart from the declarations made by Makarios proving that Enosis had not been abandoned and what was said in the Greek Cypriot press, I regularly received, as the President of the Federation [of Turkish Cypriot organisations], information that the Greek Cypriots were arming and training with arms in villages. Makarios, who was telling the lie that he signed these agreements under duress, was definitely going to launch some action before the 1965 elections.

Denктаş’s warnings along these lines to the Turkish government were apparently not taken seriously until the summer of 1963. According to Denктаş, one such report to the Turkish Foreign Ministry signed by him and twenty other Turkish Cypriots informing Ankara that ‘armed attack [by the Greek Cypriots] was going to begin in the early months (or weeks) of 1964’ was dismissed, like many other similar reports, by the then Turkish Ambassador, Emin Dirvana, who dropped a note on it saying ‘Those who signed this report have great political ambitions but no political understanding. [Their views] should not be given any significance.’⁵⁹

The Turkish Cypriot resistance organisation TMT, although not very visible during these years, was still active and was in charge of plans to defend the community in case of the anticipated attacks from the Greek Cypriots. In Patrick’s description:⁶⁰

TMT planning was based on the assumption that a constitutional deadlock would probably lead to inter-communal fighting in 1964. It was thought that the fighting would take the form of the inter-communal riots, kidnappings, and terror killings of 1958. Turk-Cypriot military planning therefore concentrated on preparations for sealing off Turk-Cypriot quarters in the larger towns from Greek Cypriot mobs and snipers, fortifying Turk-

⁵⁷ *Ibid*

⁵⁸ Rauf R. Denктаş, *Hatıralar, Toplayış*, Boğaziçi Yayınları, İstanbul, 2000, pp. 160-166.

⁵⁹ *Ibid.*, p. 168.

⁶⁰ Patrick, 1976, p. 37.

Cypriot villages against Greek-Cypriot police patrol, and by being prepared to counter abductions and assassinations by reprisals in kind.

On 31 November 1963, Makarios sent to Dr Küçük a proposal for constitutional amendments, which he said would 'remove obstacles to the smooth functioning and development of the state,' but which, according to the Greek Cypriot constitutional lawyer Polyvios Polyviou, 'could not but have appeared to the Turkish Cypriots as a dangerous development that might change the internal balance of power and be taken internationally as a sign that the bicomunal nature of the state was giving way to unitary and majority principles.'⁶¹ Turkey was the first to reject the proposals on 16 December 1963, and before Dr Küçük had time to reply, inter-communal violence broke out on 21 December 1963.

The proposed amendments were as follows:⁶²

- (1) The right of veto of the President and the Vice-President of the Republic to be abandoned.
- (2) The Vice-President of the Republic to deputise for the President of the Republic in his temporary absence or incapacity to perform his duties. Consequently, all the constitutional provisions in respect of joint action by the President and the Vice-President of the Republic to be modified accordingly.
- (3) The Greek President of the House of Representatives and its Turkish Vice-President to be elected by the House as a whole and not as at present the President by the Greek members of the House and the Vice-President by the Turkish members of the House.
- (4) The Vice-President of the House of Representatives to deputise or replace the President of the House in case of his temporary absence or incapacity.
- (5) The constitutional provisions regarding separate majority for enactment of laws by the House of Representatives to be abolished.
- (6) The constitutional provisions regarding the establishment of separate municipalities in the five main towns to be abolished. Provision should be made so that:
 - (a) The Municipal Council of each of the aforesaid five towns shall consist of Greek and Turkish Councillors in proportion to the number of the Greek and Turkish inhabitants of such town by whom they shall be elected respectively.
 - (b) In the budget of each of the aforesaid towns, after deducting any expenditure required for common services, a percentage of the balance proportionate to the number of the Turkish inhabitants of such towns shall be earmarked and disposed of in accordance with the wishes of the Turkish Councillors.
- (7) The constitutional provision regarding Courts consisting of Greek judges to try Greeks and of Turkish judges to try Turks and of mixed Courts consisting of Greek and Turkish judges to try cases where the litigants are Greeks and Turks to be abolished.

⁶¹ Kyle, 1997.

⁶² Glafkos Clerides, *Cyprus: My Deposition*, Volume 1, Alithia Publishing, Nicosia, 1989, p. 175-193; Patrick, 1976, pp. 39-41.

- (8) The division of the Security Forces into Police and Gendarmerie to be abolished. (Provision to be made in case the Head of the Police is a Greek the Deputy Head to be a Turk and vice versa).
- (9) The numerical strength of the Security Forces and of the Army to be determined by law and not by agreement between the President and the Vice-President of the Republic.
- (10) The proportion of the participation of the Greek and Turkish Cypriot in the composition of the Public Service and of the Forces of the Republic, i.e., the Police and the Army, to be modified in proportion to the ratio of the population of Greek and Turkish Cypriots.
- (11) The number of members of the Public Service Commission to be reduced from ten to either five or seven.
- (12) All the decisions of the Public Service Commission to be taken by simple majority. If there is an allegation of discrimination on the anonymous request either of the Greek or the Turkish members of the Commission, its Chairman to be bound to refer the matter to the Supreme Constitutional Court.
- (13) The Greek Communal Chamber to be abolished.

The clash between the two communities that started on 21 December 1963 brought about the collapse of the precarious power-sharing arrangement established by the 1960 Accords. By 25 December the Greek Cypriot forces were close to taking control of the Turkish quarter of Nicosia. Turkey's threat to intervene and the flying of Turkish jets above Nicosia forced Makarios to accept a cease-fire first in Nicosia and then in Larnaca to be maintained by troops from the British Sovereign Bases. On 1 January 1964 Makarios announced that he had unilaterally abrogated the Treaties of Alliance and Guarantee, but upon warnings from the British government that such an abrogation would almost certainly provoke a Turkish invasion, quickly changed his declaration to a statement of intention to terminate the Treaties by the appropriate means.⁶³

On 15 January a conference was held in London where the representatives of the two communities as well as Turkey and Greece were brought together. There, the Greek Cypriots insisted on abrogating the 1960 Accords and creating a unitary state with a constitution that could be amended. They also proposed to incorporate some minority rights for the Turkish Cypriots provided that such rights were not guaranteed by threats of external action. The Turkish Cypriots demanded the enforcement of their rights under the 1960 Constitution. They also claimed that the violence in December was a proof that Turkish Cypriots would only be secure if the two communities were physically separated: their first choice was partition and the creation of a federal state of Cyprus; partition and double enosis was their second choice. Greece and Turkey supported their respective communities in Cyprus. The conference ended without agreement.⁶⁴

⁶³ Patrick, 1976, pp. 52-54.

⁶⁴ *Ibid.*

Security Council resolution of 4th March 1964 and its aftermath

Following the deadlocked London Conference a joint British and American proposal came to replace the British peacekeeping force with a NATO one, but this was rejected by Makarios. After intercommunal troubles of 1963-64 which resulted in the ejection by force of arms of the Turkish Cypriot side from all the organs of the Government of Cyprus-the collapse of bi-communal government, the UN has been involved both in peace-keeping and peace-making upon Britain's calls for a UN Security Council meeting to discuss the situation in Cyprus. The debate on Cyprus at the Security Council started on 18 February 1964 and continued intermittently until 4 March when it was concluded with the approval of Resolution 186.

By this resolution, a UN peacekeeping force (UNFICYP) was created in Cyprus 'to use its best efforts to prevent a recurrence of fighting and, as necessary, to contribute to the maintenance and restoration of law and order and a return to normal conditions'. Also, a mediator was established who would 'use his best endeavours with the representatives of the communities and also with the aforesaid four Governments (of Cyprus, Greece, Turkey and the UK), for the purpose of promoting a peaceful solution and an agreed settlement of the problem confronting Cyprus, in accordance with the Charter of the United Nations, having in mind the well being of the people of Cyprus as a whole and the preservation of international peace and security'.⁶⁵

This resolution, apart from establishing a peacekeeping force and a mediator, also had far-reaching long-term political consequences for Cyprus. It was immediately interpreted by Makarios as recognition of his 'unfettered independence' and as 'establishment beyond doubt of the legality of Government of Cyprus,' which since 25 December had been wholly under the control of the Greek Cypriot community.⁶⁶ Another point in the resolution which the Greek Cypriot leadership also found very satisfactory in this respect was the mention of 'the responsibility of restoring and maintaining law and order' belonging to the by then wholly Greek Cypriot Government of Cyprus.⁶⁷ Moreover, this meant that at the UN, 'Cyprus' was represented solely by the Greek Cypriots.

The Turkish Cypriots themselves were not allowed to have a mission at the UN and consequently, with the one notable exception of Denktaş's intervention, they could play only a limited part in the discussions. Almost all they could do was to act through the Turkish Delegates.

Denktaş's own observation about the discussions at the time is follows:

The Turkish mission and I objected to the wording of the draft agreement [which eventually became the accepted UN resolution of 4 March, 1964] on the ground that Makarios will take full advantage of it. We stalled the passing of this draft for about a week. American and British diplomats assured us that the word 'government' in this draft meant the constitutional, bi-communal government. 'It is the Security Council which will interpret this resolution', they said. 'Do not waste time... It is Turkish Cypriot blood which is flowing in Cyprus and we are trying to do something about it.' We, the Turkish side,

⁶⁵ Necatigil, 1996, pp. 49-50.

⁶⁶ However, on 4 March 1964, the United Kingdom presented a confidential aide-memoire to the then UN Secretary General U-Thant which stated that since there was no joint authority that represented the both sides on the Island, the mandate of UNFICYP was subject to the consent and political will of the two sides.

⁶⁷ Clerides, Volume 2, 1989, p. 77.

were not impressed. So the British and Americans worked through Ankara, complaining that we were wasting time unnecessarily. They assured Ankara that 'government' in the draft resolution meant, and would mean, the bi-communal government. On this assurance, Ankara caved in and the 4th March Resolution was passed unanimously!⁶⁸

This reference to the 'Government of Cyprus' in the 4 March resolution, overlooking the fact that the government of the Cyprus Republic had broken down at the end of 1963, did indeed lead to what Denktaş feared all along: starting with the one at the time of the resolution, the Greek Cypriot component of the government gradually came to be recognised by the international community as the legitimate government of the Republic.

However, according to Glafkos Clerides, there was one main shortcoming of the resolution for the Greek Cypriots, which 'escaped the attention of the general public and the press.' This he explained as follows.⁶⁹

In reality, not only did we fail, in challenging the validity of the treaty of guarantee to establish its invalidity, but the resolution confirms the right of the guarantors to approve or reject any solution with which they disagreed...

The right of Turkey to have a say in the future of Cyprus and its internal constitutional order, was first recognised in 1955 by Greece by committing the political error of accepting to participate in the London Tripartite Conference... in order to decide on the future of Cyprus. It was cemented in 1959 by the Treaty of Guarantee, and was finally recognised by the Security Council, the highest United Nations organ, by the resolution of the 4th March 1964...

The idea, that through the U.N. we could achieve the abrogation of the treaties, or at least to set them aside, and unilaterally to proceed to give a solution to the problem, ignoring Turkey, received, without it being noticed, its death blow at the first Security Council resolution, and its burial at all subsequent resolutions, which... made the actual solution conditional on agreement between the parties concerned i.e., the two communities and the guarantors.

Between the passing of the resolution on 4 March and the day the UNFICYP became operational, there was more fighting in Cyprus as the National Guard forces tried to secure its holdings before the arrival of the UN troops. The National Guard, which had recently been created by Makarios, was composed solely of Greek Cypriots. Makarios also agreed in April 1964 with the Greek Prime minister George Papandreou to have arms and troops secretly shipped to Cyprus from Greece. In the words of Andreas Papandreou, who was then a minister in his father's cabinet:⁷⁰

If Greece were really to be able to contribute militarily to the defence of Cyprus, it would have to do so before the Turks attacked. In fact, if Greece, by shipping troops and arms to Cyprus in a clandestine way, could raise the cost of a Turkish landing, it might well be in a position to prevent it. This was my father's proposal, and Makarios accepted it. A clandestine operation then began on a huge scale – of nightly shipments of arms and troops, of "volunteers" who arrived in Cyprus in civilian clothes and then joined their "Cypriot units". The process was not completed until the middle of the summer. No less than 20,000 officers and men, fully equipped, were shipped to Cyprus.

General Grivas also joined the Greek forces at this time and took charge of re-organising the Greek-Greek Cypriot units.

⁶⁸ Quoted in Michael Moran (ed.), *Rauf Denktaş at the United Nations: Speeches on Cyprus*, Eothen Press, Cambridgeshire, 1997, pp. 13-14.

⁶⁹ Clerides, Volume 2, 1989, pp. 77-78.

⁷⁰ Andreas Papandreou, *Democracy at Gunpoint: The Greek Front*, André Deutsch, London 1971, p. 100.

In the meantime, the Turkish Cypriots were also re-organising militarily. The existing TMT cells had been augmented into voluntary units known as 'mücahitler' (fighters), headed by TMT cell-leaders, police officers and officers of the defunct Cyprus Army. The main commanding positions were occupied by Turkish army officers. Almost all able-bodied Turkish Cypriot men considered themselves to be part of this voluntary force.⁷¹

Between December 1963 and August 1964, the most violent phase of the clashes, 191 Turkish Cypriots and 133 Greek Cypriots were killed (55 of them were killed in Tylliria/Erenköy, in the north-west of Cyprus). An additional 209 Turkish Cypriots and 41 Greek Cypriots went missing (presumed dead). The events of this period also led to the uprooting and displacement of an estimated 25,000 Turkish Cypriots and a few hundred Greek Cypriots. Turkish Cypriots from 96 villages (of these 24 wholly Turkish Cypriot villages while the rest were mixed), fearing attacks by the Greek Cypriot paramilitaries, sought refuge in guarded enclaves.⁷²

Such enclaves were formed all over the island, encompassing three per cent of the island's territory. Official Greek Cypriot statements claimed that most Turkish Cypriots were fleeing under their leadership's directions in order to prepare the ground for eventual partition. This was denied by the Turkish Cypriot leaders who claimed that these people ran away without any prior planning to the nearest refuge because they were frightened⁷³.

The end result, however, was that the separation of the two communities became accentuated, not only physically but politically as well. The Turkish Cypriot members of the government and the House of Representatives, who had already left their posts⁷⁴, set up a 'General Committee', headed by Vice-President Küçük as a provisional administrative body for the Turkish Cypriot community (spring 1964). Five District Committees and other levels of regional administrative organisations were also formed. This structure was maintained until 1967 when it became the Provisional Cyprus Turkish Administration.⁷⁵

⁷¹ Patrick, 1976, p. 69.

⁷² *Ibid.*, pp. 45-76.

⁷³ On this issue, Patrick says that majority of Turkish refugees fled only after killings, abductions and harassments of Turkish Cypriots by Greek Cypriots in their neighbourhood.

⁷⁴ According to Turkish Cypriot accounts, they did this because of the insecurity of the circumstances at the time. But for the Greek Cypriots, this was part of their plans for *taksim*. Later in 1965, the Turkish Cypriot members of the House requested UNFICYP to make the appropriate arrangements so that they could attend such meetings in safety. Glafkos Clerides, the President of the House, stated that the Turkish Cypriot members could attend provided they agreed beforehand on the following points:

- (1) Acceptance by the Turkish side that the laws enacted by the House would be applied to the whole of Cyprus, including the Turkish areas, by 'the government' using 'normal authorized administrative organs';
- (2) An undertaking by the Turkish side to participate regularly, in future, in the normal business of the House; and
- (3) Recognition that the House no longer worked on the basis of separate majorities as defined in Article 78 (2) of the 1960 Constitution.

These conditions were found unacceptable by the Turkish Cypriots and were rejected. (Necatigil, 1996, p. 55)

⁷⁵ Patrick, 1976, pp. 82-84.

The Acheson Plan

UNFICYP was not very successful in stopping inter-communal violence. Nor was it able to prevent the— by now wholly Greek — Cyprus government from importing large amounts of arms. Turkey was seriously talking about intervention under the Treaty of Guarantee as the only way to ensure the security of the Turkish Cypriots. Any plan of invading Cyprus, Turkey might have had at the time, however, was suspended due to pressure from the American government. US President Johnson's strongly worded letter dated 5 June 1964 to Turkish Prime-minister İnönü was decisive in Turkey's relinquishing the idea of intervention.⁷⁶

The Americans were worried about a number of things a Turkish invasion might bring about: (a) the Greek Cypriots might seek Russian support; (b) the almost inevitable precipitation of a war between Greece and Turkey, two NATO allies; (c) possible Russian-American confrontation in the Eastern Mediterranean. Bringing Greek Cypriots under the control of NATO by way of uniting Cyprus with Greece, i.e. *enosis*, seemed to the Americans the best way to counter these undesired situations. The so-called Acheson Plan was proposed for this purpose. According to this plan:

- (1) A military base was to be given to Turkey on the Karpas / Karpaz peninsula on a fifty-year lease;
- (2) The rest of Cyprus would be politically united with Greece;
- (3) The island would be divided into a number of districts, two or three of which would have a Turkish Cypriot majority and would be under Turkish Cypriot administration;
- (4) Those Turkish Cypriots who wished to emigrate to Turkey would receive compensation;
- (5) There should be some minor adjustment of the Greco-Turkish border

On the issue of border adjustment, Greece offered to give the island of Kastellorizon / Meis to Turkey in exchange for *enosis*, and Turkey demanded to be given either a piece of Cyprus territory with sovereign rights or a strip of territory in western Thrace.

Turkey and Greece initially accepted the plan in principle. However, further deliberations on the plan were interrupted by the events in Tylliria. Makarios later announced his rejection of the plan, describing it as partition pretending to be *enosis*. Because of Makarios's opposition, Greece also ended up rejecting the plan. A revised version was later rejected by Turkey.⁷⁷

The events of Tylliria and intervention by Turkey

On 6 August 1964, the Greek Cypriot forces led by Grivas launched an attack on Tylliria (a region in the north-west of the island with a cluster of five Turkish Cypriot villages, one of which, Kokkina/Erenköy, is situated right on the coast). They believed that men and arms were being smuggled from Turkey through the coast. Indeed arms were being brought in, and, in addition, 500 Turkish Cypriot university students in Turkey who volunteered to come to Cyprus to defend their community had landed at Kokkina Beach in Tylliria. In response to the Greek Cypriot attack, Turkish jets first

⁷⁶ Kyle, 1997.

⁷⁷ Patrick, 1976, pp. 69-70.

flew over the region and made shots of warning into the sea, but the attacks didn't stop. The next day the Turkish jets bombed the National Guard and Greek troops. The President of the Republic Makarios reacted by announcing that if the Turkish air raids continued he would order an attack on every Turkish-Cypriot village and quarter in Cyprus. Following a Security Council resolution for a cease-fire, fighting stopped on 10 August.⁷⁸

After Turkey's intervention in Tylliria in August 1964, violence against the Turkish Cypriots subsided although it never ceased completely until after the events at Kofinou/Geçitkale in 1967. That Turkey was determined to intervene militarily if the Greeks continued to push for *enosis* by force of arms became evident with the Tylliria incident. This pushed Makarios to shift from military to political and economic methods of struggle for *enosis*. Having realised that their struggle for *enosis* would take longer than they originally expected, the Greek Cypriot community supported Makarios's new policy. The economic sanctions placed on Turkish Cypriots, which lasted until early 1968, created two separate economies, deepening the already present split between the two communities.⁷⁹ The Turkish Cypriot economy was spared from an even more severe recession thanks to Red Crescent relief shipments and financial assistance from Turkey (8 million Cyprus pounds annually).

On 26 March 1965, the UN mediator Galo Plaza produced his report.⁸⁰ The main recommendations in the report were: (1) Cyprus should remain independent and voluntarily renounce its right to *enosis*. (2) The island should be demilitarised. (3) There should be no partition but the UN should guarantee Turkish Cypriot rights. (4) A settlement must be an outcome of talks between the communities in Cyprus. (5) The problem could not be resolved by an attempt to restore the situation that existed before December 1963.

The report was welcomed by the Greek and the Greek Cypriot side as a good basis for negotiations, whereas the Turkish and Turkish Cypriot side, which did not like the recommendations at all, rejected it on the grounds that the mediator had exceeded his mandate by making recommendations without securing the agreement of all parties in the dispute.

On 21 April 1967, the Colonels took charge of the government in Greece thus overthrowing democracy. During this period, relations between the Greek Junta and Makarios, who was not very keen on union with a military dictatorship, became increasingly uneasy. Makarios became more open to cooperating with the UN to reduce tension by removing roadblocks and lifting the ban on Turkish Cypriots to buy 'strategic materials'. He also began to strengthen his own paramilitary army while restricting the budget of the National Guard.⁸¹

⁷⁸ *Ibid.*, pp. 45-76

⁷⁹ The Makarios government put a ban on Turkish Cypriots' buying and transporting items on a 'strategic materials' list which included items like clothing, building materials, cement, electrical equipment, batteries, timber, automotive accessories and parts chemicals, and large quantities of fuels. (Patrick, 1976, pp. 106-114)

⁸⁰ Kyle, 1997; Necatigil, 1996, pp. 52-53.

⁸¹ Patrick, 1976, pp. 101-112.

1967 Ayios Theodoros and the events of Kophinou

On 15 November 1967, Greek Cypriot forces including the National Guard launched an offensive at the villages of Ayios Theodoros / Boğaziçi and Kophinou/Geçitkale. In response Turkey mobilised its armed forces. The then Turkish government sent an ultimatum to Greece demanding that Grivas be called back to Athens, the removal of all troops in excess of those allowed by the Treaty of Alliance, and the disarming of all Greek Cypriot irregulars and the National Guard. Turkey announced that unless these demands were met, Cyprus was to be intervened and that if Greece resisted Turkey was prepared to confront Greece too⁸².

NATO, the UN and the US joined forces in a diplomatic effort to mediate between Greece and Turkey to prevent a war. Greece eventually conceded to the Turkish demands and also agreed to compensation to be paid to the Turkish Cypriots for loss of life and property, end the economic sanctions against Turkish Cypriots, increase of the size of UNFICYP and expansion of its mandate. Greece and Turkey also agreed that talks on the constitutional structure of Cyprus would be initiated.

Grivas was immediately withdrawn back to Athens and restricted from leaving the country. By mid-January 1968 all Greek units except the 950-man contingent permitted by the Treaty of Alliance had returned to Greece. Makarios, however, resisted the full implementation of the Turkish demands. He did not agree to an increase in the powers of the UN peacekeeping force, and refused to disarm the National Guard. As for the Greek Cypriot irregulars, he was unable to disarm them. Materials were supplied to rebuild the villages of Ayios Theodoros and Kophinou by the Cyprus government but no compensation for loss of life was granted.

Makarios's change of policy

The November 1967 events pushed the Makarios government to re-examine its general political strategy. On 12 January Makarios stated that 'A solution, by necessity, must be sought within the limits of what is feasible, which does not always coincide with the limits of what is desirable.' This represented an important change of political direction from 'the desirable solution', which was *enosis*, to the 'feasible solution', namely an independent unitary Cyprus state. In order to get this policy change endorsed Makarios called for a presidential election in February 1968, which he won by receiving 95.45 per cent of all the votes cast.⁸³

Intercommunal talks, 1968-1974

With such a strong mandate, the Makarios government agreed to negotiate with the Turkish Cypriot community on the constitutional structure of the Republic. In preparation for the talks, the remaining economic restrictions placed on the Turkish Cypriots were removed. Soon after that, Rauf Denктаş, was allowed to return from exile in Turkey.⁸⁴

⁸² See Patrick, 1976, pp. 141-144.

⁸³ Kyle, 1997

⁸⁴ In March 1964, Makarios said that he would prosecute Denктаş when he returned to Cyprus after the UN Security Council meeting; so Denктаş chose to go to Turkey instead.

The UN sponsored intercommunal talks began in 1968 and continued despite many setbacks until 1974. Rauf Denктаş was the interlocutor for the Turkish Cypriot community and Glafkos Clerides for the Greek Cypriot community. The Turkish Cypriot side was prepared to make concessions regarding the executive, the legislative, the judiciary, the civil service and the police (which came close to accepting all of the 13 constitutional amendments put forward by Makarios in 1963).⁸⁵

In return, they asked for a central government authority to be entrusted to a Turkish Cypriot minister for the management of Turkish Cypriot local government. The Greek Government considered the Turkish Cypriot proposal to be reasonable but Makarios rejected it saying that 'we should not add other rights in the place of those we subtracted and thus create again an unworkable Constitution'. With this deadlock in 1971 talks stopped until 1972 when they got under way again with the help of two constitutional experts from Greece and Turkey.⁸⁶

Conflict within the Greek Cypriot community

In the meantime, Makarios's relations with the Greek junta continued to deteriorate. Athens gave backing to the so-called National Front, a pro-*enosis* militant group, which accused Makarios of betraying Hellenism by diverging from the goal of *enosis*. A campaign of terrorism was initiated seeking to undermine Makarios. Grivas secretly returned to Cyprus and set up a movement called EOKA B. When he died in January 1974, control of EOKA B passed into the hands of agents of the Greek junta. The newly elected government of Bülent Ecevit in Ankara, for its part, was dissatisfied with the way the UN-sponsored intercommunal talks were proceeding without a clear political perspective. The Turkish government made it clear that in its view federation was the best solution for Cyprus.⁸⁷

⁸⁵ Clerides, Volume 3, 1997, pp. 59-68.

⁸⁶ Necatigil, 1996, pp. 76-85.

⁸⁷ Kyle, 1997

The events of 1974: Intervention by Greece and Turkey and the division of the island

A new phase of the Cyprus conflict began in July 1974 with the intervention of both Greece and Turkey. On 15 July, the President of the Republic of Cyprus, Archbishop Makarios, was ousted in a Greek-supported coup, which was followed by an outbreak of violence within the Greek Cypriot community. After an attack on the presidential palace by the National Guard, led by Greek officers, Makarios was announced on the Greek Cypriot media to be dead. He had in fact escaped to Paphos/Baf and from there was taken to the British Sovereign Base at Akrotiri by an RAF helicopter. The coupists installed in Makarios's place Nicos Sampson: former EOKA fighter and leader of the 1963 assault on the Turks of Omorphita.⁸⁸

According to Glafkos Clerides, who was then the President of the House of Representatives:⁸⁹

The forces which supported the government set up by the coup were the anti-Makarios pro-enosis, who erroneously believed that the coup ousted Makarios to bring enosis, and "EOKA B", members of which came out of hiding bearing arms shortly after the attack by the tanks on the Presidential Palace.

...

Bluntly, the real objectives of the conspirators, were to oust Makarios and his Government in order to proceed with direct negotiations with Turkey, and with the use of the good offices of the United States, to achieve Enosis of the major part of Cyprus with Greece, conceding a smaller part of Cyprus to Turkish sovereignty. At no time did the Greek junta have in mind to declare Enosis unilaterally and to accept the risk of having military conflict with Turkey.

The way the situation was viewed in Turkey was that 'it would now be a simple matter for the Greeks to proclaim *enosis* and thus create a Hellenic island base from which, for the first time, Central and South-eastern Turkey would come within range of the Greek Air Force bombers.' There was also concern that 'oppression and even massacres of Turkish Cypriots might follow the coup.'⁹⁰

On 17 July, the Turkish Prime Minister Bülent Ecevit flew to London to invite Britain's cooperation as co-guarantor. He conveyed the Turkish position that 'Turkey wished to land forces in Cyprus, through the British bases, in order to avoid bloodshed, and that Britain, as a guarantor also had a duty to intervene and to allow her bases to be used for the intervention.' Britain declined to cooperate with the Turkish plan.

On 18 July, Ecevit called upon the junta in Athens to dismiss Sampson; withdraw the Greek officers in the Cypriot National Guard and to restore the constitution of the Republic of Cyprus. The junta, apparently confident that America would, as before, stop the Turks from using force, responded with an equivocal answer.

The transparent intervention of the Greek government was soon confirmed by Makarios himself. On 19 July, having arrived in New York, he declared to the United Nations Security Council that:⁹¹

⁸⁸ *Ibid.*

⁸⁹ Clerides, Volume 3, 1997, pp. 342-343.

⁹⁰ Mehmet Ali Birand, *30 Hot Days*, K. Rüstem and Bro., Nicosia, 1985, pp. 2-25.

⁹¹ Clerides, Volume 3, 1997, pp. 349-357.

What has been happening in Cyprus since last Monday morning is a real tragedy. The military régime of Greece has callously violated the independence of Cyprus. Without trace of respect for the democratic rights of the Cypriot people, without trace of respect for the independence and sovereignty of the Republic of Cyprus, the Greek junta has extended its dictatorship to Cyprus... It may be alleged that what took place in Cyprus is a revolution and that a government was established based on revolutionary law. This is not the case. No revolution took place in Cyprus which could be considered as an internal matter. It was an invasion, which violated the independence and sovereignty of the Republic... As I have already stated, the events in Cyprus do not constitute an internal matter of the Greeks of Cyprus. The Turks of Cyprus are also affected. The coup of the Greek junta is an invasion, and from its consequences the whole people of Cyprus suffers, both Greeks and Turks.

The next day, Turkey launched a military operation. The same evening, at an emergency meeting of the Security Council, a resolution (No. 353) was adopted, 'deploring the outbreak of conflict and continuing bloodshed and expressing concern at the threat to international peace and security and the explosive situation in the Eastern Mediterranean,' and 'calling upon all states to respect the sovereignty of Cyprus; upon the belligerents to cease fire; and for the early start of negotiations between Greece and Turkey for the restoration of peace and constitutional government.'⁹²

On 22 July, a ceasefire was established. A narrow corridor had been created between Kyrenia/Girne and the Turkish Cypriot enclave of Nicosia/Lefkoşa, constituting approximately 8% of the island's territory. Complying with the Security Council resolution of 20 July, the foreign ministers of Greece, Turkey, and the UK met in Geneva on 25-30 July 1974.

At the end of the conference, a declaration was issued which said 'that the Turkish occupation zone should not be extended, that the Turkish enclaves should immediately be evacuated by the Greeks, and that a further conference should be held at Geneva with the two Cypriot communities present to restore peace and re-establish constitutional government.' The foreign ministers also called for the Turkish Cypriot Vice-President to resume his functions, but, at the same time, noted 'the existence in practice of two autonomous administrations, that of the Greek Cypriot community and that of the Turkish Cypriot community'.⁹³

At the second Geneva Conference, which convened on 9 August, Glafkos Clerides and Rauf Denктаş were also present as representatives of the two communities. At this conference, the Greek side expressed its 'readiness to return immediately to the 1960 Constitution and set up a government with the Turkish Cypriot community, the Turkish Vice-President assuming his functions and powers thereunder', The Turkish side, on the other hand, made a proposal for a new constitutional settlement, which envisaged 'a bizonal geographic federation', containing six Turkish administered zones that would encompass about 30% of the island's territory.⁹⁴

The conference ended in failure. On 14 August the second Turkish military operation began. According to Ecevit the aim of this operation was 'not to destroy the State of Cyprus but to contribute to the re-building, on a sounder basis, of the State which was destroyed and to ensure its territorial integrity'. He explained that:⁹⁵

⁹² Necatigil, 1996, pp. 94-95.

⁹³ *Ibid.*

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

The objective of this operation is end the long suffering of the Turkish Cypriots and to enable them to live freely on their own soil, in a way befitting human dignity... Our objective is not against Greece or the Greek Cypriot community. We intend to establish a balanced society in Cyprus, which will enable Greek and Turks to cooperate and prosper under equal conditions.

At the end of the operation, the Turkish Army was in control of about 36% of the island's territory. Most of the Greek Cypriot inhabitants of the area had fled to the south, and many Turkish Cypriots living in the south had fled to the north. By June 1975, only around 10,000 Turkish Cypriots remained in the south, and a similar number of Greek Cypriots remained in the north, mainly on the Karpas peninsula.

The Third Vienna Agreement

During the period between the end of the operation and the summer of 1975, a number of incidents occurred in which some Turkish Cypriots whilst trying to cross to the Turkish controlled area in the north were attacked by revenge-seeking Greek Cypriots. A crisis emerged when the Turkish side reacted by expelling some 800 Greek Cypriots from the north and warning that 'all the Greeks in northern Cyprus' would be transferred 'to the Greek part of the island, if the ill-treatment of Turks in the south continued and if the Greek authorities continued to prevent these Turks from crossing to the Turkish controlled part of the island'.⁹⁶

Makarios's view on this issue was that 'it was more important to keep Greek Cypriots in the north, and particularly in the Karpas area, than the Turkish Cypriots in the south.' Makarios was also concerned that 'should a serious incident take place against Turkish Cypriots in the south, Turkey may use it as an excuse to mount a military operation in the south'.⁹⁷

The issue was taken up between Clerides and Denktaş and was concluded by an agreement in Vienna in August 1975. The parties agreed that:⁹⁸

1. The Turkish Cypriots at present in the South of the Island will be allowed if they want to do so, to proceed North with their belongings under an organised programme and with the assistance of UNFICYP.
2. Mr Denktaş reaffirmed, and it was agreed, that the Greek Cypriots at present in the North of the Island are free to stay and that they will be given every help to lead a normal life, including facilities for education and for the practice of their religion, as well as medical care by their own doctors and freedom of movement in the North.
3. The Greek Cypriots at present in the North who, at their own request and without having been subjected to any kind of pressure, wish to move to the South, will be permitted to do so.
4. UNFICYP will have free and normal access to Greek Cypriot villages and habitations in the North.
5. In connection with the implementation of the above agreement priority will be given to the re-unification of families, which may also involve the transfer of a number of Greek Cypriots, at present in the South, to the North.

⁹⁶ Clerides, Volume 4, 1997, pp. 295-298.

⁹⁷ *Ibid.*

⁹⁸ *Ibid.*

By September 1975, only 130 Turkish Cypriots remained in the south. The number of Greek Cypriots in the north also declined, although more gradually: 3,582 Greek Cypriots moved to the south during 1975, 5,820 during 1976, and 900 during 1977. By November 1981, only 1,076 Greek Cypriots had remained in the north. The number subsequently went down further to 666, many of whom were very old people. This decline, according to Greek Cypriot claims, was 'the result of a sustained campaign of harassment, discrimination and oppression' by the administration in the north, which led to 'expulsion and gradual deterioration of the living conditions of the enclaved'.⁹⁹

Altogether the events of 1974 resulted in the displacement of approximately 162,000 Greek Cypriots from the northern part of the island and of an estimated number of 43,000 Turkish Cypriots from the south.¹⁰⁰ The Greek Cypriots who fled from the north left behind an estimated 1,350,000 donums of property, while the Turkish Cypriot properties left in the south amounted to about 400,000 donums.

In addition the events claimed more than 3000 lives: 891 Greek Cypriots (93 of whom were killed during the coup) and 250 Turkish Cypriots lost their lives, 1434 Greek Cypriots (65% military) and 272 Turkish Cypriots are still missing. 498 Turkish military personnel and about 163 Greek military personnel (5 of whom were killed during the coup) also lost their lives during these wars.¹⁰¹

Although there has been no intercommunal violence since 1975, incidents along the UN controlled buffer zone which separates the Greek Cypriot and Turkish Cypriot held areas, have claimed occasional victims, mostly recently in 1996. The unresolved conflict has also remained a source of friction between Greece and Turkey. A contingent of Turkish troops (estimated 35,000) has remained stationed in the north.

Efforts for a settlement after 1974

Since the division in 1974, numerous efforts have been undertaken to reunite the island under one political administration. These efforts, carried out primarily under the auspices of the United Nations, have sought to bring about a comprehensive settlement and, when this proved difficult, to engage the parties in confidence building measures in order to prepare the ground for such a settlement. Although the negotiations concerning a settlement of the conflict have been carried out on an inter-communal basis, without the direct participation of Greece and Turkey, both communities closely co-ordinate their policies on the Cyprus conflict with their respective motherlands.¹⁰²

Until the events of 1974, the inter-communal negotiations initiated in 1968 had been on the constitutional structure established in 1960. The Greek Cypriot administration, which came to be recognised internationally as the government of the Republic of

⁹⁹ See *Turkish Colonisation: A threat for Cyprus and its people*, published by the Press and Information Office, Republic of Cyprus, 1995.

¹⁰⁰ *Ibid.*

¹⁰¹ Ann-Sofi Jakobsson Hatay, forthcoming, *The Struggle for Hearts and Minds: The Political Dynamics of Peacebuilding and Peacemaking in Northern Ireland and Cyprus*, Uppsala University: Uppsala.

¹⁰² Indeed, the influential role of all three 'guarantors' is still visible in the recent so-called Annan Plan, as we shall see.

Cyprus, had little incentive to make concessions to the Turkish Cypriots, which inevitably would have meant sharing power as well as legitimacy. After the geographical separation of the two communities in 1974 and with the continued presence of Turkish troops on the island, the Turkish Cypriots were in a better position to press for their demands.

The declaration of the Turkish Federated State of Cyprus

In February 1975 the Turkish Federated State of Cyprus (*Kıbrıs Türk Federe Devleti*) was declared by the Turkish Cypriots in a unilateral move to create the basis for a future joint federal republic. The state was based on a liberal and democratic constitution, which was approved by a massive majority in a referendum.

1977 and 1979 High Level Agreements

In February 1977, the leaders of the two Cypriot communities, Rauf Denktaş and Archbishop Makarios, signed an agreement, which outlined the basis on which the negotiations were to resume. The agreement consisted of the following four guidelines:¹⁰³

1. We are seeking an independent, non-aligned, bi-communal, Federal Republic.
2. The territory under the administration of each community should be discussed in the light of economic viability or productivity and land ownership.
3. Questions of principles like freedom of movement, freedom of settlement, the right of property and other specific matters, are open for discussion taking into consideration the fundamental basis of a bi-communal federal system and certain practical difficulties which may arise for the Turkish Cypriot community.
4. The powers and functions of the central federal government will be such as to safeguard the unity of the country, having regard to the bi-communal character of the State.

After Archbishop Makarios's death on 3 August 1977, Spiros Kyprianou was elected President. In May 1979, the federal principle for a future settlement agreed to in 1977 was reaffirmed in a second agreement between the new Greek Cypriot leader and the Turkish Cypriot leader Rauf Denktaş. This ten-point agreement was as follows:¹⁰⁴

1. It was agreed to resume the intercommunal talks on 15 June 1979.
2. The basis for the talks will be the Makarios-Denktaş guidelines of 12 February 1977 and the UN resolutions relevant to the Cyprus question.
3. There should be respect for human rights and fundamental freedoms of all citizens of the Republic.
4. The talks will deal with all territorial and constitutional aspects.
5. Priority will be given to reaching agreement on resettlement of Varosha/Maraş under UN auspices simultaneously with the beginning of the consideration by the interlocutors of the constitutional and territorial aspects of a comprehensive settlement. After agreement on has been reached it will be implemented without awaiting the outcome of the discussion on other aspects of the Cyprus problem.

¹⁰³ Necatigil, 1996, pp. 154-156.

¹⁰⁴ *Ibid.*, pp. 162-163

6. It was agreed to abstain from any action which might jeopardise the outcome of the talks, and special importance will be given to initial practical measures by both sides to promote good will, mutual confidence and the return to normal conditions.
7. The demilitarisation of the Republic of Cyprus is envisaged, all matters relating thereto will be discussed.
8. The independence, sovereignty, territorial integrity and non-alignment of the Republic should be adequately guaranteed against union in whole or in part with any other country or against any form of partition or secession.
9. The intercommunal talks will be carried out in a continuing and sustained manner, avoiding any delay.
10. The intercommunal talks will take place in Nicosia.

These two so-called *1977-79 High Level Agreements* represented the most significant step towards progress to date and have since provided the basis for the efforts for a settlement. At that time, however, it was already clear that the parties were deeply divided along lines which were to prevent further progress in the years to come. For the Greek Cypriots, agreeing to a federal settlement was seen as a significant concession (moreover one that, after the *fait accompli* established by the Turkish intervention, had not been freely agreed), and they were reluctant to move any further towards accommodating Turkish Cypriot demands. The Greek Cypriots' continued preference for a strong central government, more akin to a unitary state, and their demands that each community's political influence be commensurate to its numerical size, were not easily reconciled with the Turkish Cypriots' preference for a loose, decentralised state structure based on political equality between the two communities. Indeed, one notices how the concept of 'bizonality' is, at best, only implicit in these official declarations. The federal idea including bizonality has, however, continuously been endorsed by the international community.

Declaration of the TRNC

The Greek and the Greek Cypriots attempts to internationalise the Cyprus problem by bringing the issue to the UN General Assembly in May 1983 created great resentment among the Turkish Cypriots, who had no formal representation in the UN. The resolution which was consequently approved at the General Assembly demanded, *inter alia*, 'immediate withdrawal of the all the occupation forces and the voluntary return of all the refugees in safety to their former homes', and affirmed ' the right of the Republic of Cyprus and its people to full and effective sovereignty and control over the territory of Cyprus'.¹⁰⁵ The passing of this resolution was afterwards described by Denktaş as 'the last drop which caused the Turks to reassert their partnership rights'. In 1983, disillusioned with the failure to gain recognition for their demands of political equality and legitimacy, the Turkish Cypriot Parliament unanimously declared an independent state (Turkish Republic of Northern Cyprus – TRNC/*Kuzey Kıbrıs Türk Cumhuriyeti* – KKTC).

The UN Secretary-General stated that the action contravened the High Level Agreements of 1977 and 1979 and the UN Security Council adopted a resolution

¹⁰⁵ *Ibid.*, pp. 190-193

declaration and calling it 'legally invalid' (Resolution 541).¹⁰⁶ The Turkish government recognised the new state.

The declaration of independence failed to put an end to the Turkish Cypriots' international isolation. With the exception of Turkey, no state has recognized the Turkish Republic of Northern Cyprus. Although the Constitution of the TRNC (adopted on 12 March 1985 and approved by a majority of 70% in a referendum held on 5 May 1985) unlike its predecessor made no provision for its absorption into a federation, the Turkish Cypriots continued to endorse the federal principle for a settlement to the conflict.

Cuellar's initiative

As a reaction to the proclamation of the TRNC, the Greek Cypriot side refused to engage in direct talks with the Turkish Cypriots. Instead, proximity talks took place between the two sides with the help of the UN Secretary General Perez de Cuellar. After a series of difficult discussions and many consultations with both sides, Cuellar drafted a framework agreement and presented it to the parties on 26 November 1984. In summary, the draft agreement provided for:¹⁰⁷

- (a) A bi-zonal federal Republic of Cyprus;
- (b) A bi-cameral legislature, with a senate with equal Greek Cypriot and Turkish Cypriot representation, and a lower house composed of 70% Greek Cypriot and 30% Turkish Cypriot members;
- (c) A Greek Cypriot President and a Turkish Cypriot Vice-President, the latter retaining the power of veto over matters of foreign affairs, defense and security as in the 1960 Constitution plus other matters to be agreed on;
- (d) A Council of Ministers composed of seven Greek Cypriot and three Turkish Cypriot members;
- (e) Council of Ministers decisions to be taken by simple majority, with at least one Turkish Cypriot voting in favour;
- (f) The federal competences to be specified and the residual powers to go to the provinces or federated states;
- (g) Legislation on major matters enumerated in the list of federal powers to be enacted by separate majorities of Greek Cypriot and Turkish Cypriot members of both houses; and laws on other matters to be enacted by simple majority in both houses, but with at least 30% of Turkish Cypriots in the upper house voting in favour
- (h) A conciliation committee composed of three Greek Cypriots and two Turkish Cypriots to be set up to settle differences between the two houses; the committee decisions to be taken with the concurrence of at least one Turkish Cypriot member; and
- (i) The Turkish Cypriot zone comprising '29 plus' per cent of the island.

The Turkish Cypriot Leader Rauf Denktaş announced his acceptance of all the elements of the UN proposal. The Greek Cypriots, who were themselves not happy

¹⁰⁶ *Ibid.*, pp. 234-238

¹⁰⁷ Dodd, 1998, pp. 38-41

with the draft agreement, sought unsuccessfully to amend it, and at the summit held under the auspices of the UN in January 1985 subsequently they rejected it. In April 1986, a revised version of the draft agreement was also rejected by the Greek Cypriot side although that too had been accepted by the Turkish Cypriots. The Greek Cypriot leader Spiros Kyprianou explained to the UN Secretary General that before the Greek Cypriot side could express its views on the draft framework agreement 'it was necessary that there be agreement on the basic issues of the Cyprus problem as a matter of priority', namely (1) the withdrawal of the Turkish forces of occupation, (2) the repatriation of the settlers back to Turkey, (3) effective international guarantees to replace the Treaty of Guarantee, and (4) the application of three freedoms (freedom of movement and settlement and the right to property).¹⁰⁸

Ghali's Set of Ideas

In February 1988, after the election of George Vassiliou as Greek Cypriot President, negotiations between the two sides resumed. In June 1989, the UN Secretary General Boutros Boutros Ghali held a joint meeting with Vassiliou and Denktaş. In his opening statement to the meeting, he put forward certain ideas, which were later presented to the two leaders as a 'non-paper' to help the task of preparing an outline for an overall agreement.¹⁰⁹

- (1) The principles of equality of the two communities and the bi-communal nature of the federation are reflected in the equal role of the communities in the establishment of the federation, in the need for their joint approval in adapting the constitution and in the equality and the identical powers of the two federated states.
- (2) The bi-zonality of the federation is clearly brought out by the fact that each federated state will be administered by one community which will be guaranteed a clear majority of the population and landownership in its area.
- (3) The additional features of the federation will be the effective participation of both communities in all organs and decisions of the federal government, and the inability of the federal government to encroach upon the powers and functions of the federated states.
- (4) The unity of the federation is to be reflected in its single international personality and single citizenship.
- (5) All functions not vested in the federal government to be under the jurisdiction of the two federated states, and that each federated state decide on its own governmental arrangements.
- (6) The freedoms of movement and settlement and the right to property will be recognized in the federal constitution and regulated by the federal state in a manner consistent with the federal constitution. Freedom of movement will be exercised as soon as the federal republic is established. Freedom of settlement and the right to property will be implemented by taking into account the ceilings to be agreed upon concerning the number of persons from one community who may reside in the area administered by the other and the amount of property which persons of one community may own in the federated state administered by the other.

¹⁰⁸ Necatigil, 1996, p. 292.

¹⁰⁹ *Ibid.*, pp. 359-360.

- (7) The 1960 Treaties of Guarantee and Alliance will remain a valid framework, but they should be updated.
- (8) The criteria for working out territorial adjustment should enable a substantial number of Greek Cypriot displaced persons to return under Greek Cypriot administration, as well as take into account the practical difficulties, particularly those concerning the Turkish Cypriot displaced persons who would be affected.

Following the presentation of the UN 'non-paper', a debate took place in the TRNC Parliament which took a resolution referring to the right of self-determination of the Turkish Cypriot people. The resolution also required that no concessions be made from the Turkish Cypriot position as stated in the papers submitted by the Turkish Cypriot side (especially on bi-zonality, political equality, effective guarantee of Turkey and equalisation of respective claims to property); and stressed that a solution based on the free will of the two peoples would require recognition of the legal, social, cultural and religious existence of the Turkish Cypriot people by the other side.¹¹⁰

After that, Denктаş responded to the UN Secretary General stating that he was willing to continue direct talks if Vassiliou would not make it a condition to that the proposal be used as a basis of the talks. Vassiliou said that he remained committed to the intercommunal dialogue but insisted that the paper should remain on the table. Without any agreement even on basic principles, these talks went nowhere.

In June 1990, the Greek Cypriot administration, as the internationally recognised government of the island, applied for full membership of the then European Community. This application by the Greek Cypriots for the whole of Cyprus but without the support of the Turkish Cypriots created another important complication. Nonetheless, Boutros-Ghali produced a detailed proposal for the establishment of a bi-communal, bi-zonal federation. This proposal, which was referred to as a 'Set of Ideas', aimed to overcome existing differences. It was supported by a Security Council Resolution (No.750) of 10 April 1992 as 'an appropriate basis for reaching an overall framework agreement'.¹¹¹

On this basis, a series of 'proximity talks' were held between Denктаş and Vassiliou. However, the differences between the two sides' positions, concerning the territorial division between Greeks and Turks in a future federation, the right of the Greek Cypriot refugees to return to their former homes in the north, and the powers of each community in a federal constitution, remained unresolved.

The Turkish Cypriot side agreed with 91 out of 100 paragraphs, but disagreed on fundamental issues such as the derivation of sovereignty from the federal state rather than from each community and the territorial distribution between the two federal states. The Greek Cypriots, on the other hand, accepted the proposal only as a basis for reaching an agreement, subject to negotiations that would accord with international law, human rights and the 'functionality of the state'. This position was later detracted with the election of Glafkos Clerides as President in 1993. Clerides won the election on his opposition to the UN proposal. After that, he followed a policy

¹¹⁰ Dodd, 1998, pp. 41-43.

¹¹¹ *Ibid.*, pp. 44-45

that put a strong emphasis on the need for Cyprus to become a full member of the European Union as a way to resolve the dispute in the Greek Cypriots' favour.¹¹²

Confidence Building Measures

Following the failure of his attempts to produce an overall settlement, Boutros-Ghali then decided to employ a piecemeal approach by proposing a series of 'confidence building measures', designed to produce some areas of agreement which might later develop into a comprehensive settlement. Included in these measures were the re-opening of Nicosia airport, which had been closed since 1974, to both the Greek Cypriots and the Turkish Cypriots, and the return of Varosha/Maraş to the Greeks Cypriots, the southern suburb of Famagusta/Gazimağusa which had been under Turkish control since 1974 but not settled by them. These proposals were accepted in principle by both sides, but a protracted series of talks, which lasted from May 1993 until May 1994 under UN and then US auspices, again produced no result.¹¹³

Cyprus and EU membership

Without any progress towards a settlement agreement in sight, the two Cypriot sides thereafter went in opposite directions. The Greek Cypriots, having unilaterally applied for Cyprus's membership of the then European Community in 1990, embarked on a twin-track approach of on the one hand continuing to negotiate for a settlement within the UN framework, while on the other, seeking to enlist the support of third parties with bargaining power with Turkey, in particular the United States and more recently the European Union. The Turkish Cypriots, for their part, moved towards further integration with Turkey while at the same time intensifying their calls for international recognition of the TRNC as a prior step to reunification.

While the 'Commission Opinion on the Application by the Republic of Cyprus for Membership' of the European Communities issued on 30 June 1993 confirmed that the Commission considered Cyprus eligible for membership (despite some powerful legal representations from the Turkish Cypriot leadership opposing the purely Greek Cypriot application), it also contained some reservations relating to the initiation of the accession process in the absence of a settlement. In the Commission's opinion it was stated that:¹¹⁴

... [I]n the expectation of significant progress in the talks currently being pursued under the auspices of the Secretary-General of the United Nations, the Commission feels that a positive signal should be sent to the authorities and the people of Cyprus confirming that the Community considers Cyprus as eligible for membership and that *as soon as the prospect of a settlement is surer, the Community is ready to start the process with Cyprus that should eventually lead to its accession.* [italics added]

Over the next few years, however, as the efforts of the UN Secretary General failed to bring the prospect of a settlement any closer, the link between Cyprus' accession and progress towards a settlement was lifted. In what is generally considered a turning-point in EU-Cyprus relations, the French presidency in March 1995 secured a

¹¹² Susanne Baier-Allen, 'The Dynamics of the Cyprus Conflict since the Submission of the Greek-Cypriot EU membership application', *Proceedings of the Third International Congress for Cyprus Studies*, 13-17 November 2000, EMU, Famagusta, pp. 31-49.

¹¹³ Dodd, 1998, pp. 51-53.

¹¹⁴ COM (93), 313, final, 30 June 1993

package deal whereby Cyprus was given a date for the initiation of accession negotiations (within six months of the end of the upcoming intergovernmental conference) while at the same time the government of Greece agreed to lift its veto on implementing the final stage of the Customs Union with Turkey.

In 1997, after a break of almost three years in direct negotiations, the Greek Cypriot and Turkish Cypriot leaders at the invitation of UN Secretary-General Kofi Annan held two rounds of talks: the first in Troutbeck (9–13 July) and the second in Glion (11–15 August). These talks produced no result, not least because of the European Union's plans to include Cyprus in the upcoming enlargement (reaffirmed in January 1998 in *Agenda 2000* – the European Commission's programme on policy reforms to adapt the union to enlargement). In-between the two meetings, an announcement came from the European Union that it would go ahead with accession negotiations with the Republic of Cyprus. Denktaş was utterly opposed to the idea of supporting the Greek Cypriot side's 'unilateral and unallied application for EU membership without an overall settlement and the maintenance of the vital balance between Turkey and Greece in the Eastern Mediterranean, as provided by the 1960 agreements'. And as so often, as the Greek Cypriot leadership sought international support for their aim of supremacy in Cyprus, the Turkish Cypriot side reacted by moving closer to Turkey.

Following Troutbeck, Turkey and the TRNC made a joint declaration announcing a policy of integration between the two states in the spheres of economy finance, defence and foreign affairs. This policy was further enhanced by the December 1997 decision of the European Council not to include Turkey among the candidates for EU membership.

After Glion, the Turkish Cypriots, with the backing of Ankara, abandoned the principle that a settlement be sought within a federal framework. Instead the Turkish Cypriots renewed their claim for recognition of the TRNC, which they maintained was a necessary first step for the establishment of a new partnership with the Greek Cypriots, ensuring the equality between the two entities. In a proposal presented in August 1998, the Turkish Cypriot side also adjusted their terminology to what had for long been their preference, albeit previously couched in federal terms, namely a confederal state, which would leave the two entities with extensive sovereign powers. Their refusal to re-engage in negotiation for a settlement while Cyprus' application for EU membership was pending was, however, subsequently replaced with demands that any accession of a future reunited Cyprus to the EU prior to Turkey's own accession had to preserve a Greek-Turkish balance in relation to Cyprus.¹¹⁵

EU accession negotiations were subsequently launched in late March 1998 after which point the Greek Cypriots' integration with the EU accelerated. At the Copenhagen summit of 12-13 December 2002, Cyprus was invited to join the EU along with nine other countries. Stating their support for the UN settlement efforts, which ahead of the summit had been intensified, and their preference for the accession of a united Cyprus, the European Council announced that in the absence of a settlement, the application of the EU *acquis* to the northern part of the island would be suspended. According to the timetable, the accession treaties of the new member states were to be signed in April 2003.

¹¹⁵ Dodd, 1998, pp.61-74.

Until their completion, the accession negotiations had been conducted exclusively with the wholly Greek Cypriot government of the Republic of Cyprus. The EU, whose ambition it had been that the accession of 'Cyprus' should benefit all communities and help to bring about civil peace and reconciliation', repeatedly encouraged the Cyprus delegation to include also Turkish Cypriots. Predictably, however, whenever such an invitation was issued it was turned down.

For, acceptance by the Turkish Cypriots of the invitation to join the Greek Cypriot delegation negotiating on behalf of the Republic of Cyprus would have in effect meant abandoning their position of almost forty years, and cooperating with a government, which in their view illegally claimed to represent the whole island. For the Turkish Cypriot side, the Republic of Cyprus had become defunct with the breakdown of the power-sharing arrangements in 1963, and the subsequent Greek Cypriot administrations governing in its name have been the representatives of the Greek Cypriot community only. And indeed that is very much how those administrations have in fact behaved.

While disputing the legality of the Greek Cypriot unilateral application in the name of the 'Republic of Cyprus', the majority of Turkish Cypriots did, however, share their southern neighbours' aspiration for EU membership (and indeed were even more enthusiastic about the prospect with its promise to end their decades-long international isolation).

Latest Attempt: The Annan Plan

Although the Annan Plan is the result of the seemingly Sisyphus-like work of the UN Secretary General Kofi Annan's team of experts and diplomats, it would be wrong to see it merely as an outcome of the last five years effort. Indeed, it bears the features of all the previous solution proposals produced under the initiative of the UN dedicated to the settlement of the Cyprus problem since the late 1970's.

All the successive Secretaries-General, who have been in the office since the rise of the problem, have worked on this issue closely and, as can be seen from the previous chapter, they produced proposals for a settlement many of which came to be incorporated in the latest plan. In fact, the 'Annan Plan' can be seen as a kind of *summa* of most of the more viable earlier ideas.

However, the approach employed by the UN SG during his latest intensive effort undertaken between 1999 and 2004 as part of his mission of good offices in Cyprus was markedly different from the previous initiatives because of new circumstances. . As stated by the SG in his report to the Security Council on 1 April 2003:¹¹⁶

The new circumstances included the adoption by the Security Council of Resolution 1250 (1999), the four guidelines of which provided a clear and realistic framework for negotiation, the evolving Greek-Turkey rapprochement, the European Council decision in December 1999 at Helsinki that opened the door to Turkey's candidature for accession, as well as the prospect for the enlargement of the European Union by up to 10 new members, including Cyprus. The European Union factor in particular offered a framework of incentives to reach a settlement as well as deadlines within which to reach it.

The scale of the effort was enormous. During the phase until March 2003 alone, Kofi Annan himself met the community leaders on 11 occasions. His Special Advisor on Cyprus, Alvaro de Soto, hosted 54 separate meetings during the proximity phase, 72 meetings in direct format, and called on each leader on more than 100 occasions during the entire period. Annan's Special Advisor made around 30 trips to Greece and Turkey, dozens of trips to the capitals of Security Council members, the European Commission in Brussels, and European Union member states.¹¹⁷

The budget for all this effort over that period ran to \$3,148,500.¹¹⁸ In total, almost 300 Greek Cypriots and Turkish Cypriots were involved in the technical discussions, supported by a team of some 50 United Nations experts. The team was assisted by input from throughout the United Nations and the EU. A number of countries were on standby ready to send experts to assist in the technical finalization of the process. A total of 1,506 flag designs and 111 entries of the anthem for the United Cyprus Republic were recommended.¹¹⁹

¹¹⁶ *The Report of the Secretary-General to the Security Council S/2003/398*, "On his mission of good offices in Cyprus", (1 April 2003), <http://www.un.org/Docs/sc/sgrep03.html>.

¹¹⁷ *Ibid.*

¹¹⁸ *Ibid.*

¹¹⁹ For more see *the Report of the Secretary-General to the Security Council S/2004/437*, "On his mission of good offices in Cyprus", (28 May 2004), <http://www.un.org/Docs/sc/sgrep04.htm> .

The outcome of the effort was a long comprehensive document dealing with all the issues in the conflict and providing the necessary legal instruments for all matters concerning governance and law, and in this sense 'leaving nothing to be negotiated subsequently'. The proposal took into account the positions of both parties, which were far apart on all the main issues.

The latest 5th revision of the plan, together with 131 completed laws runs to 9,000 pages, accompanied by 1,134 treaties. A series of detailed recommendations on the economic and financial aspects of the plan and its implementation, the organizational charts of the federal government, comprising 6,181 positions, and a list of buildings on each side to house the federal government during a transitional period were also produced.¹²⁰

Depicting the differences

The parties entered the negotiations on the basis of the Annan Plan with cardinally different perceptions of what the outcome should be. They continued seeing the future of the island and the prospective state system to run it through different spectacles, virtually all the way up to the final phase of the settlement talks.

Basically, what the Greek Cypriots perceived as the best political solution was a Cypriot State with a single sovereignty and international personality, and a single citizenship under a firm federative state structure. The Turkish Cypriot side, on the other hand, asked for a recognition of the realities' on the island, and proposed a confederative structure of Cyprus, which would emerge as a result of the independent decision of two separate sovereign and politically equal states. The Confederation of Cyprus would have a single international legal personality but would be sovereign only to the extent that sovereignty was given to it by the founding states.¹²¹

Regarding the issue of federal governance, the Greek Cypriot side put forward, as a prerequisite for 'unity and workability', a freestanding federal government based on a federal constitution, with representation based primarily on population ratios but with effective participation of both communities in decision-making. The Turkish Cypriots were opposed to any freestanding central institutions and favoured a model, which would preclude any possibility of domination or prevalence of one community over the other. They proposed a system of close cooperation and coordination between the institutions of two separate but juxtaposed states, which would be based on numerical equality and consensus decision-making. This would be established by an international treaty signed by the representatives of the two states, with international arbitration, in case of a dispute.¹²²

Territorial issues, as suggested by the Greek Cypriots, were to be settled via handing over to the Greek Cypriots a substantial amount of the island's territory currently under the disposition of the Turkish Cypriot administration. Apart from that, an unlimited exercise of the right to return for all displaced persons and their descendants was requested. The Turkish Cypriots, citing the fact that people had

¹²⁰ *Ibid.*

¹²¹ *The Report of the Secretary-General to the Security Council S/2003/398.*

¹²² *Ibid.*

settled down during the thirty years that had passed, wanted to preserve as much of their territory as they could. They were ready to concede only a minor territorial adjustment along the buffer zone.¹²³

The position of the Greek Cypriots on the issues of property and residential rights had its origin in their demand for full reinstatement of property to dispossessed owners. They wanted to have a settlement based on unrestricted freedom of movement, freedom of settlement and the right of displaced persons to return to where they were living thirty years ago. The Turkish Cypriot side argued that in order to preserve bi-zonality, property claims should be liquidated under a global exchange and compensation scheme and that freedom of movement and residence should be strictly controlled.¹²⁴

On the matter of security, the military presence of Turkish troops in the Turkish Cypriot territory has always been a concern for the Greek Cypriots. They demanded entire withdrawal of all foreign troops. Moreover, the Greek Cypriots demanded the repatriation of all the 'Turkish settlers' in the island.¹²⁵ The Turkish Cypriots, having little trust in the UN peace-keeping forces capability to hinder a renewed conflict in the island, asked for an extension of the rights of the Guarantor Powers and significant mainland troop contingents in the respective Cypriot states.

A compromise model

Mainly as a result of the collapse of the 1960 constitution in 1963, and interventions in 1974 first by Greece and then by Turkey, Cyprus has been reshaped both demographically and politically within the last forty years. The Cyprus problem is obviously extremely complicated and peculiar in the sense that it is a problem not just between the two Cypriot communities but involves interests of Turkey, Greece and the UK, as well as the USA and the EU. Thus it calls for a peculiar and of course an elaborate solution.

Among all the solution plans formulated by or with the assistance of the international community, the latest plan proposed by the UN SG Kofi Annan seems to represent the most profound and comprehensive approach. It lays down a detailed framework of co-existence for the two Cypriot communities which also takes into account the norms of the new international order.

¹²³ For details see *ibid*.

¹²⁴ For further elaboration of the case see *ibid* and David Hannay, *Cyprus: The Search for a Solution*, New York, I.B. Tauris & Co.Ltd., 2005.

¹²⁵ The term 'Turkish settlers' refers to Turkish nationals who have settled in northern Cyprus as permanent residents since 1974.

The final vision of the settlement proposal was encapsulated in the fourteen Main Articles and eleven Annexes, including, *inter alia*, the full text of the Constitution of the United Cyprus Republic, the Constitutional and Federal Laws, the Cooperation Agreements between the federal government and the constituent states, the list of the International Treaties binding on the United Cyprus Republic, articles on the Territorial Arrangements, Treatment of Property Affected by Events since 1963, Reconciliation Commission and overall composition and principles of the functioning of the federal institutions.

Evolution of the Plan: from Annan I to Annan III

The first version of the proposal was presented by Kofi Annan to the parties and the Guarantors on 11 November 2002 as a “Basis for Agreement on a Comprehensive Settlement of the Cyprus Problem.” It was constructed in such a way that at the first step, the two leaders would sign a two-page “Comprehensive Settlement of the Cyprus Problem,” thus committing themselves to cooperate with the UN to finalize the negotiations on the substantive parts of the plan by 28 February 2003. Subsequently they would submit the proposed plan in a form of covering document, ‘Foundation Agreement’, to the separate simultaneous referenda for approval on 30 March 2003, which would allow a new state of affairs to come into being.

Based on consultations with the two Cypriot leaders, as well as Greece and Turkey, and discussions on the details with the advisers of the two leaders, the UN proposed a revised version of the plan (Annan II) on 10 December 2003. The two leaders were then invited to attend the EU Summit at Copenhagen on 12-13 December 2003, with the hope of achieving an agreement between them before the European Council’s decisions on enlargement of the EU, (to embrace the ten new members including Cyprus). This effort did not succeed.

Following the failure in Copenhagen, the UN Secretary General continued with his efforts to get the parties to try to finalise the plan and to reach agreement on 28 February 2003. On 26 February 2003, came the formal presentation of a third version of the plan named “Basis for a Comprehensive Settlement of the Cyprus Problem” (Annan III).

According to Annan III, the leaders were no longer asked to engage themselves in anything beyond submitting the proposal to public vote on 30 March 2004. The document they were supposed to sign this time was a two-page ‘Commitment to submit the Foundation Agreement to approval at separate simultaneous referenda in order to achieve a comprehensive settlement of the Cyprus problem.’¹²⁶ Greece, Turkey and the United Kingdom were also to agree to the Foundation Agreement being submitted to separate simultaneous referenda as well as to commit themselves to signing a Treaty together with the United Cyprus Republic concerning, among other things, their role in the process of implementation of the Foundation Agreement. Thus, if the Foundation Agreement were approved on both sides of the island the two Cypriot leaders, as well as the Guarantor Power would be bound to implement the plan the following day.

¹²⁶ For more see Hannay, p. 208.

The Foundation Agreement would then become a part of the International Treaty signed by the United Cyprus Republic as well as Greece, Turkey and the United Kingdom. It would be registered in accordance with Article 102 of the Charter of the United Nations. On the other hand, should either electorate reject the Foundation Agreement, all documents representing the Annan Plan would become null and void.

This last effort to achieve a comprehensive settlement in time to permit the signature on 16 April 2003 of the accession treaty to the European Union by a united Cyprus was also inconclusive. At a meeting held at The Hague in March 2003 on invitation by the UN Secretary General, the Greek Cypriot leader announced his conditional acceptance to submit the plan to referendum while the Turkish Cypriot leader rejected it altogether bringing the end of the process.

On 1 April 2003 the UN Secretary General submitted a report to the Security Council describing these developments and explaining his comprehensive settlement plan (S 2003/398). The Security Council strongly supported this “carefully balanced plan” as a “unique basis for further settlement.” On 14 April 2003 it adopted Resolution 1475¹²⁷ in which it called on all concerned parties to negotiate within the framework of the UN Secretary General’s good offices, using the plan to reach a comprehensive settlement as set forth in paragraphs 144 to 151 of the Secretary General’s report.

A New State of Affairs

The Annan Plan proposes the establishment of a new state of affairs in the form of the United Cyprus Republic (‘Cyprus’ in short form), which would be ‘an independent sovereign state with a single international legal personality and a federal government and consists of two constituent states, namely the Greek Cypriot State and the Turkish Cypriot State.’¹²⁸ The United Republic of Cyprus would have a flag and anthem never used before.

However, the plan avoids answering the much debated question of whether the coming into being of the new state of affairs would constitute a continuation of the existing internationally recognized Republic of Cyprus under a new constitution (as preferred by the Greek Cypriot side) or whether it would be the founding of a new state by two pre-existing sovereign political entities (as preferred by the Turkish Cypriot side). Instead, it offers a legal structure, which while providing elements of continuity for both sides into the new state of affairs, would also be the source of legitimacy for all matters in the future. This legal structure comprises the laws to be in force (including the Constitution of the United Cyprus Republic, Constitutional Laws, federal laws, and Cooperation Agreements), the provision on the validity of past acts by either Cypriot authority before the settlement¹²⁹, and treaties binding on Cyprus (including treaties signed by both Cypriot authorities before the settlement).

It would not be the signatures of the two Cypriot leaders that established the new state of affairs but the act of the will of people on each side. In case of approval of

¹²⁷ See *the UN SC Resolution 1475* (2003), <http://www.un.int/cyprus/sc1475.htm>.

¹²⁸ See Article 1 of the constitution of The United Cyprus Republic, *The Annan Plan for Cyprus*.

¹²⁹ Any act prior to Agreement (past act), whether of a legislative, executive, or judicial nature, adopted by any authority in Cyprus, would be recognized as valid after the Foundation Agreement has come into force provided it is compatible with any of its provisions and international law.

the settlement in separate simultaneous referenda by the Greek Cypriots and the Turkish Cypriots, immediate international procedures for the acknowledgement, endorsement and/or guarantee of the new state of affairs in the island by the United Nations, the Security Council, the European Union, the Council of Europe and the Guarantor Powers were envisaged.

The relationship between the federal government and the constituent states was based on the Swiss constitutional model. The federal government would 'sovereignly' exercise the powers specified in the Constitution, which should ensure that Cyprus could speak and act with one voice internationally and in the European Union. The constituent states, which would be of equal status, would organize themselves freely under their own constitutions, and would 'sovereignly' exercise residual powers, i.e. all powers not expressly vested in the federal government.

The federal government and the constituent states were to fully respect and not infringe upon the powers and functions of each other. There would be no hierarchy between federal and constituent state laws. Although external relations and relations with the EU were amongst the powers of the federal government, the constituent states were to participate in the formulation and implementation of policy in these areas on matters within their sphere of competence, as set out in Cooperation Agreements modelled on the Belgian example. The plan was characterised by the principles of indissolubility of the partnership that constituted the United Cyprus Republic and non-domination by any component parts. Any partition or secession was explicitly prohibited.

Governance

The Office of the Head of State would be vested collectively in a body of six equal members, the Presidential Council, which would also exercise federal executive power. The composition of the Presidential Council would mirror the population balance on the island provided at least one-third of the members hailed from each constituent state.

The members of the Council would be elected by the federal Parliament for a fixed period of 5 years from a single list by special majority.¹³⁰ The President of the Council would represent the Presidential Council as Head of State. The President of the Council would also represent the United Cyprus Republic at meetings of heads of government unless the Council designates another member. The office of the President and Vice-President would rotate every 10 months among the members of the Council. The exception would be the transitional period of first 30 months of existence of the new state of affairs during which the two leaders (in the office at the time of its entry into force) would act as co-presidents.¹³¹

Each member of the Presidential Council would head a department. No more than two consecutive presidents could hail from the same constitutive state, so do not the

¹³⁰ On specified matters a special majority including at least two-fifths of sitting Senators (10) from each constituent state would be required. These would include the approval of the federal budget, the election of the Presidential Council and a list of matters that touch on vital interests of the constituent states.

¹³¹ Within a course of evolution of the plan, this period was shortened, upon the Greek Cypriot demand. In Annan II and I it represented 36 months.

President and the Vice-President. The heads of the Departments of Foreign Affairs and of EU affairs would come from different constituent states.

No single member could veto decisions in the Council, either of substantive character or procedural, or block the running of the state, representing a significant change from the provisions in the 1960 Constitution.¹³²

The federal legislative power would be vested in a bi-cameral Parliament, consisting of a Senate and a Chamber of Deputies, each with 48 members. The Senate would be composed of an equal number of Senators from each constituent state, reflecting the political equality of the constituent states. The composition of the Chamber of Deputies would reflect the population of the island, on the proviso that each constituent state would have a minimum of 25% of the seats. The Latin, Maronite and Armenian minorities each would be represented by at least by one deputy who would be counted against the quota of the constituent state where the majority of the members of the respective minority reside.

Judicial power would be conferred on the Supreme Court, which would sit as a Constitutional Court or as a Court of Primary Federal Jurisdiction. It would comprise an equal number of judges from each constituent state and three non-Cypriot judges.¹³³

Territorial issues

The transfer of a substantial amount of the territory, which is under Turkish Cypriot control to Greek Cypriot administration, has been always a core issue of the settlement negotiations. Yet, the scale of the adjustment and the locations of the areas to be handed over have varied. As stated by Kofi Annan in his report to the Security Council, the boundaries proposed in his Plan were designed in such a way as to allow a majority of displaced Greek Cypriots to return to their homes under Greek Cypriot administration', while at the same time, 'avoid villages which historically had a substantial Turkish Cypriot population (particularly in view of the fact that almost half of the Turkish Cypriots had already been displaced in the past) and to affect the lowest possible number of current inhabitants'.

Under the Annan III regime, the areas to be handed over to the future Greek Cypriot State (area of the territorial adjustment) amounted to about 7 per cent of the territory of the 1960 Republic of Cyprus. This would leave 29.2 percent to be administered by the Turkish Cypriot State and 70.8 percent to the Greek Cypriot State. The territorial boundaries are detailed in the map, which constitutes an essential part of the Foundation Agreement.

The British Sovereign Base Area is not included in this calculation as it is outside the territory of the Republic of Cyprus. During the drawing up of the proposal for territorial adjustment, however, the United Kingdom offered to give up slightly less than half the Sovereign Base Areas (mostly it would go to the Greek Cypriot State) in case of a settlement. With this, the proportion of the area to be administered by the Turkish Cypriot State would have dropped by about 1 per cent.

¹³² See p. 13.

¹³³ For more see *The Annan Plan for Cyprus: A Citizen's Guide*, PRIO, Nicosia, 2003.

The area of territorial adjustment, i.e., that part of the present TRNC to be given to the Greek Cypriots, would be put for an interim period under a special regime. For no longer than three years it would be administered by the Turkish Cypriot State and within this period the administration would be passed on gradually in six phases. The United Nations would supervise this process.

The transfer of territory necessarily entails a transfer of properties and hence relocation of people. There are a total of 55 settlements of varying sizes that would be affected. However, 14 of these settlements have no Turkish Cypriot inhabitants and further 3 are Maronite settlements. In the remaining 38 settlements the total Turkish Cypriot population was 43,976 in 1996, according to the Census of the same year, and was estimated to reach 46,569 in 2003.¹³⁴

Special arrangements were proposed with respect to the relocation and accommodation of people to be transferred from this area.

Residence

The most sensitive and at the same time the most important part of the deal was related to the issue of 'territorial rights', that is to say the right of return, right to property and freedom of movement and establishment of residence.

Establishing a regime under which the right of return would be exercised, while maintaining the principle of bizonality and the political balance, was definitely not an easy task.¹³⁵ What complicated the situation even further was the fact that the whole of Cyprus as a member of the EU would be bound by the *acquis communautaire*, which allows any EU citizen to reside anywhere within the European Community borders.¹³⁶

In order to keep the balance whilst respecting international law, the plan suggested a gradual approach to the establishment of residency by former inhabitants and other Greek Cypriots in the Turkish Cypriot state and vice versa. Until Turkey's accession to the European Union, a constituent state would be allowed to limit the establishment of permanent residence in that constituent state by persons hailing from the other constituent state.

Permissible limitations on residency were provided in a constitutional law: for the first 6 years a total moratorium could be applied, with the exception of former inhabitants over 65 accompanied by a spouse or a sibling, former inhabitants of specified

¹³⁴ Tahir Çelik, et.al, *The Financial Cost to the Turkish Cypriots of the Solution Based on the Annan Plan*, November 2003.

¹³⁵ It should be stressed that the establishment of residency by the Greek Cypriots in the Turkish Cypriot state and vice versa and the reinstatement of property were dealt with separately in the plan. The fact that someone has a right to return does not therefore mean that such a person would automatically have his/her property reinstated nor does reinstatement to a property automatically entitle the owner to residency rights.

¹³⁶ The both of the latest version of the plan, 3rd and 5th, were designed in a way that the solution of the Cyprus question was presumed to be achieved before May 1, 2004, i.e., before the accession of Cyprus to the EU.

villages¹³⁷, who two years after entry into force of the Foundation Agreement would be able to exercise their right of return without any limitation. The number of elderly people who would be eligible to return to the Turkish Cypriot State territory was calculated at about 12,500.¹³⁸

The number of Greek Cypriots who were displaced from the above-mentioned villages after 1974 was about 6,000. If we assume that a population growth of 40% has since occurred among the Greek Cypriots, about 8,400 people would be eligible to return.

After 6 years, the moratorium would be lifted, but the constituent states would be authorized to impose limitations if the number of the residents from the other constituent state in any given village or municipality reached 7% between the 7th and 10th years, and 14% between the 11th and 15th years. After 15 years, until Turkey's accession to the European Union, limitations could be imposed if 21% of the population of the relevant constituent state hailed from the other constituent state. The exceptions, that are former inhabitants over the age of 65 and former inhabitants of specified villages, were also counted towards the quotas.¹³⁹

The limitations on residency were in fact linked to the proposed scale of the territorial adjustment area, meaning that stricter limits on right of return were to be balanced out by an increase in the amount of the land to be transferred and vice versa.

One Turkish Cypriot concern here was connected with political rights, particularly voting rights. In the federal state level elections all Cypriot citizens would vote for the constituent state they belong to, regardless of their place of residence. The exercise of voting rights at the constituent state and local levels was based on permanent residency rather than on constituent state citizenship. This provision caused some worry on the Turkish Cypriot side as the Greek Cypriots residing in the Turkish Cypriot State could vote at local and constituent state levels for Greek Cypriot candidates leading to political imbalance.

Property

As it has often been claimed, the Cyprus problem throughout the history had always been a problem closely related to property. The part dealing with properties affected since 1963 is therefore the most sensitive section of the Plan, with a vital impact on the daily life of almost every resident on the island.

The solution offered by the Annan Plan is a compromise between the Greek Cypriot side's demand to unlimited exercise of property rights, meaning that all displaced persons would have the right to have their property reinstated, and the Turkish Cypriot side's demand to settle the problem through global exchange, meaning that no displaced person from either side would have their property reinstated, but rather such persons would receive a financial compensation instead.

¹³⁷ The Tylliria villages, the Mesaoria villages and four Karpas villages.

¹³⁸ Didier Pffirter interview with Süleyman Ergüçlü, Kıbrıs TV, 20 March 2003.

¹³⁹ For further details see *The Annan Plan for Cyprus*.

The plan attempted to find a solution through establishing a balance between competing legitimate interests and individual human rights, while respecting the principle of bi-zonality and international law. The property regime proposed in the plan was a temporary regime. It dealt only with the properties affected by the events between 1963 and the coming into force of the Foundation Agreement. Dealings with any other property would be regulated by municipal law of the constituent state where the property is located.

The scheme set out by the plan for the exercise of property rights distinguished between a) the affected properties in the area subject to territorial adjustment and b) the properties located outside this area. In both areas the system was based on individual claims. The Turkish Cypriots and the Greek Cypriots, who were dispossessed of their properties, would need to submit to the Property Board individual claims for the recognition of their rights to the property.¹⁴⁰

The affected properties located in the area subject to territorial adjustment would be generally reinstated to dispossessed owners. For affected property located within the territory of the other constituent state, property rights would be exercised either by way of reinstatement, or compensation, or sale, or long-term lease (20 years or longer), or exchange. The Property Board would take its decision regarding the form through which property rights might be exercised according to certain criteria, which include the circumstances of current users and the degree of investment in the affected property.

If after a consideration of these criteria an affected property were declared as eligible for the reinstatement, it would be reinstated provided that quotas for reinstatement had not already been filled up. In case agreed levels of reinstatement were reached then the dispossessed owner would receive effective compensation. If the dispossessed owner was an institution, it could only seek compensation.

On the other hand, properties owned by the Churches and Evkaf¹⁴¹, and used, as religious sites in 1963 or 1974, were all eligible for reinstatement, though they had an option to claim compensation instead.

Generally, priority was given to the claims of current users who had themselves been displaced and dispossessed of their properties. The rules allowed them to receive title to the property in their use in exchange for renouncing their title to property in the other constituent state. This would apply also to their successors in title. (The burden of evidence lied on the dispossessed owner; he would be the one to establish a title to property.) Similarly, anyone who had significantly improved a property (a degree of required investment is specified in details by the plan) would be able to obtain a title to such a property provided he/she would pay for the value of the property in its

¹⁴⁰ The Property Board is the independent and impartial body to be established upon the Foundation Agreement in order to receive and administer property claims and applications filled by current users and dispossessed owners, so that no direct contact between parties is needed. Among other powers, it would administer the compensation fund and would help to provide and allocate alternative accommodation. It would be composed of a total of seven members, two members hailing from each constituent state and three non-Cypriot members who are not citizens of Cyprus, Greece, Turkey, or the United Kingdom.

¹⁴¹ Evkaf/Vakif is a pious foundation in charge of the religious bodies and education. During the Ottoman period it was the biggest landowner in Cyprus.

original state. In these cases a current user would have the right of first choice regarding the destiny of the property.

Under Annan III there are certain limitations on reinstatement. Within a constituent state borders no more than 10 per cent, and at the same time in any given municipality no more than 20 per cent of the total land area and the number of residences could be reinstated to persons hailing from the other constituent state.¹⁴² Moreover, properties, which were vacant, could be reinstated three years after the Foundation Agreement entered into force. The moratorium in all other cases was declared for five years.¹⁴³

The estimated impact on the ground

Although the provisions of the Annan plan were valid for both the Greek Cypriots and Turkish Cypriots, it was clear that the Turkish Cypriot population would be affected more substantially both by the territorial arrangements and the property regime alike.

According to the UN Secretary General's report, once property rights were exercised on the basis of his plan, a maximum of 15,000-18,000 current users of affected properties located in the territory to be administered by the Turkish Cypriot State would be affected. Together with those located in the area of territorial adjustment; a total of 62,000-67,000 current users on the Turkish Cypriot side would need to be relocated.¹⁴⁴

A Turkish Cypriot expert, Tahir Çelik, in his report on *the Financial Cost to the Turkish Cypriots of the Solution Based on the Annan Plan* figures out approximately the same number. According to his calculation, the Turkish Cypriot population affected by the territorial adjustment would be 46,569, and those who would have to evacuate properties to be reinstated would be around 21,595. Therefore, the total number of Turkish Cypriots who might be affected and might have to be evacuated from their present location should not be more than 68,164 persons. He considers this number as the maximum number of persons that would need to be resettled during the first 15 years, after the signing of the plan.¹⁴⁵

Assessing property value

The overall property assessment was based on the notion of 'current value', which was to be assessed as at the date of entry into force of the Foundation Agreement. It was defined as 'value of the property at the time of dispossession, plus an adjustment to reflect appreciation based on among other things on increase in average sale prices of properties in Cyprus in "comparable locations" in the intervening period up to the date of entry into force of the Foundation Agreement.' The calculation of the increase was to be based on the hypothesis that events between 1963 and 1974 had not taken a place, i.e. it did not take into account depreciation in values due to those events. Therefore it should be based on those locations where prices were not negatively affected by those events.

¹⁴² The limitations would not apply to the religious sites, Karpas and Maronite villages.

¹⁴³ The moratorium on return of the property in the North to the Greek Cypriots over 65 would be only two years and there would be no quantitative restrictions.

¹⁴⁴ For more details see *The Report of the Secretary-General to the Security Council S/2003/398*.

¹⁴⁵ See Çelik.

Legal claims

The property regime in the Annan Plan represented a 'domestic remedy' *vis-à-vis* all matters related to affected properties to be brought to the European Court of Human Rights, and made the United Cyprus Republic the sole responsible government for all such matters.

It is also important to mention that any fully exercised right to property wouldn't hinder the dispossessed owner from claiming compensation for 'loss of use'. According to the Annan Plan provisions, any claims for the 'loss of use' should be considered by the constituent state from which the claimant hailed.

Citizenship

The plan envisaged a single Cypriot citizenship and internal constituent state citizenship, either of the Greek Cypriot State or the Turkish Cypriot State. Thus no one could be a citizen of the both constituent states.

Those eligible for obtaining Cypriot citizenship were persons holding Cypriot citizenship in 1963, their descendants, and spouses. Furthermore, anyone included on the lists of 45,000 names (mainly former Greek and Turkish citizens), submitted by each side to the Secretary General of the United Nations respectively, would be required to fulfill at least 9 consecutive years of a permanent residence in order to obtain the citizenship through the process of naturalization.

Security

With respect to security issues, the treaties establishing the 1960 Republic of Cyprus were not either weakened or put under time restrictions. The Treaty of Guarantee was amended and adopted *mutatis mutandis* to the new state of affairs. Its scope was extended. In addition to the independence, it was to cover territorial integrity, security and constitutional order of the United Cyprus Republic, the independence, territorial integrity, security and constitutional order of the constitutional states.

The Treaty of Alliance was amended and the scheme for demilitarization of the island was set up. The number of the Greek and Turkish contingents that could be temporarily stationed on the island was 6,000, with a review of troop levels in 2010, and withdrawal of all troops upon the accession of Turkey to the European Union. (In the first version of the plan the suggested number was between 1,000 and 9,999, Annan II proposed a figure of between 2,500 and 7,500.) The United Nations peacekeeping operation was to monitor the implementation of this Agreement and a legally binding arms embargo was to be established.¹⁴⁶

Annan V

Due to the collapse of the talks in March 2003 in The Hague, Annan III never had the chance to be put to referenda. In general, efforts to submit the plan to the public vote had for a long time been delayed by the unwillingness of the communities' leaders to undertake such an engagement.

¹⁴⁶ For more see *The Report of the Secretary-General to the Security Council S/2003/398*.

Nevertheless, on 13 February 2004 the Greek Cypriots and the Turkish Cypriots committed themselves to negotiating in good faith on the basis of Annan III, and the changes each side put forward, to achieve a comprehensive settlement of the Cyprus problem through separate and simultaneous referenda before 1 May 2004. They also agreed that the role of the Secretary General should be enlarged, in other words he was 'to fill in the blanks in the plan, should the parties not be able to agree on all issues.¹⁴⁷

A three-phase negotiation effort stemmed finally on 31 March 2004 into the text to be submitted to referenda, known as Annan V. All the issues the parties hadn't reached agreement on were to be finalized by the UN Secretary General, as envisaged in the 13 February agreement. The text included further changes than those already suggested while accommodating, to a possible extent, the core concerns of the parties.

The fifth version of the Foundation Agreement in 'The Comprehensive Settlement of the Cyprus Problem' was put to simultaneous referenda on 24 April 2004. To the dismay of the international community, the Greek Cypriots rejected the plan. After more than forty years of conflict and 30 years of division, the reconciliation, and reunification could not be brought to the island. 75.8% of the Greek Cypriot voters refused to endorse the latest UN plan. Since the referenda were to serve as a constitutive act, the fact that 64.9% of the Turkish Cypriots approved the plan didn't change the current *status quo* and the Foundation Agreement didn't enter into force.

Filling the blanks

Throughout the negotiations both sides displayed reservation towards Annan III. In the first phase of negotiations both leaders pressed for long lists of non-negotiable changes while showing no interest in negotiating trade-offs.

The second phase of the negotiations, which took a place in Bürgenstock, Switzerland, could be considered as more serious but nonetheless ended up in stalemate. Therefore, Kofi Annan committed himself to the submission of the version finalised by him.¹⁴⁸ It was then this version, Annan V, which was put to the twin referenda.

Final product

'The Comprehensive Settlement of the Cyprus Problem' was finalized on 31 March 2004 and technically corrected by the corrigenda and clarifications on 18 April 2004.¹⁴⁹ At this stage the Plan didn't fundamentally go astray from the latest series of documents presented by the UN.

The main structural difference was that neither the community leaders nor the Guarantor Power were now asked to sign the commitment to submit the Foundation

¹⁴⁷ For more see *The Report of the Secretary-General to the Security Council S/2004/437*.

¹⁴⁸ Hannay, p. 243.

¹⁴⁹ For more see *The Report of the Secretary-General to the Security Council S/2004/437*.

Agreement to simultaneous referenda. The Foundation Agreement itself was, as suggested in a previous version, a part of an international treaty.

On matters related to the new state of affairs, this Treaty was to be signed into force on 29 April 2004. It required the deposit of an instrument of ratification and all necessary internal procedures of the guarantors to be completed prior to the signature. By signing the Foundation Agreement, the Guarantors as well as the Co-Presidents of the new United Cyprus Republic would bring the new state of affairs into being. The treaty, which also included the additional protocols to the Treaties of Establishment, Guarantee, and Alliance, was to be registered with the Secretariat of the United Nations, in accordance with the Article 102 of the UN Charter.

Apart from that, the federal constitution was not the only document to be submitted to referenda as a part of the Foundation Agreement. The respective constituent states' constitutions were, after being checked for the consistency with the other relevant documents, put forward to be approved by the both electorates.

The main improvements in the latest plan

Annan V continued to envisage the federal bizonal structure of the new state of affairs as a platform for the future co-habitation of the Greek Cypriots and the Turkish Cypriots.

Governance

Annan V, in line with Greek Cypriots demands, brought differences in the Presidential Council. Instead of six members, the executive body would to have nine members from which three would be non-voting. The period for which the offices of the President and Vice-President would rotate was also increased from 10 to 12 months. Moreover, the member hailing from the more populous (i.e. the Greek Cypriot) constituent state should be the President in each term. This would mean that the Greek Cypriot would be the president for two thirds of the term.

The period of transitional government was also shortened from 30 to only 2 months, which in fact removed the transitional Co-Presidency period. (The transitional period suggested in the first version of the plan was set up for 36 months.) Judicial power at federal level was vested in the Supreme Court, which however now served as a constitutional court or as a court of primary federal jurisdiction as well.

Residence

As aforementioned, the limits on residence were interconnected with the amount of territory to be given to the Greek Cypriot state. Since the scale of the area of territorial adjustment increased slightly, the residency ceilings were also reduced modestly. The respective constituent state may establish the ceilings on the right to reside if the number of the residents hailing from the other constituent state reached 6% of the population of a village or municipality between the 6th and 9th years and 12% between the 10th and 14th years and 18% of the population of the relevant constituent state until the 15th year or Turkey's accession to the European Union, whichever would be earlier. A moratorium for establishment of residence was shortened to 5 years. However, a balance was struck here since this way the ceilings were to be reached earlier.

Property

The property regime dealing with properties in the area subject to territorial adjustment remained the same as in Annan III. However, the timing of the transfer was changed. It would begin 104 days after the entry into force of the plan instead of the 90 days planned in the third version. The transfer of the administration would take place in 6 phases and the interim period was to be 42 months instead of an earlier suggested 3 years. The United Nations would assume territorial responsibility for this area within the last phase before transfer was completed.

Property located within the area of either constituent state was however subject to complete modification. The property affected by events since 1963 could be either exchanged or a significantly improved property could be assigned to the current user, under the same provisions as envisaged in Annan III. The owner of the property eligible for reinstatement could be either effectively compensated or he could opt for the reinstatement directly. It was not possible to lease such a property anymore, even in a long term.

Reinstatement ceilings at state and municipal level were all removed and instead individual claims were to be limited. Dispossessed owners had the right to reinstatement of one-third of the value and one-third of the area of their total property ownership and to receive full and effective compensation for the remaining two-thirds.

However, if a dispossessed owner lived in such a property for at least 10 years or he built it, he had the right to reinstate the entire dwelling and up to one donum¹⁵⁰ of adjacent land, even though it was more than one-third of the total value or the area. In case the area eligible for reinstatement was larger than the affected property, the owner could sell or exchange it within the same municipality or village. He could also receive compensation for such a property and buy another property in the same municipality or village.

In this way properties could be aggregated into larger areas - within given zones. (The mentioned rules were not meant to be binding over agricultural land in the scale of less than 5 donums, or in the case of irrigable land of 2 donums.)

A result of these newly designed arrangements, the amount of property eligible to be reinstated to the Greek Cypriots would be roughly 50 per cent higher than in Annan III. (But yet due to the abolishment of long-term leasing it is estimated, that approximately same number of properties used by the Turkish Cypriots would be affected.)

However, since all the permanent derogations of the *aquis communautaire* were removed, the entire suggested scheme would be operating only temporarily. Restrictions on the purchase of property in the Turkish Cypriot State were to be lifted after 15 years.

Generally, the overall part of the plan dedicated to property transactions became more mature. In the fifth version definitions of particular terms became more clear

¹⁵⁰ One donum corresponds to approximately 1,337 square meters.

and more precise. *Inter alia*, the ambiguous calculation of current value, representing the very ground for the overall property assessment, was modified in a more balanced and realistic way.¹⁵¹

Citizenship

These provisions remained without major change. The number of persons entitled to citizenship on the proposed lists remained 45,000 per constituent state. On the other hand a further change in the relevant law was added, stating that anyone who didn't obtain permanent residence, according to the plan, had to leave the island within five years.¹⁵²

Security

On issues of security, the commitment of the Guarantor Powers and the new state of affairs, with respect to international law and the Charter of the United Nations was incorporated into Annan V.

Vis-à-vis the Treaty of Alliance, the number of military troops was reduced. Each contingent should not exceed 6,000 all ranks until 2011 and 3,000 thereafter until 2018 or the European Union accession of Turkey, whichever is sooner. The symbolic presence of 950 Greek troops and 650 Turkish troops, which would remain also after Turkey's accession to the European Union was to be subject to three-year review with the objective of final withdrawal.

The European Union aspects

The principle of bizonality is, to a certain degree contradictory to the four freedoms of movement within Community borders. In order to keep the principle of bi-zonality untouched, the plan, idealistically envisaged that a united island could join the EU. Thus its provisions deviated temporarily from EU law with respect to the free movement of capital and the free movement of persons in the form of temporary derogations.

No permanent derogations of the *acquis* were permitted under the fifth version of the plan. Yet, regarding the incorporation of the derogations into primary law, it seemed that the EU failed to provide the Turkish Cypriots with any certain guarantees. Since individuals, under such a set-up, could challenge all the derogations before the European Court of Justice, even the signed Annan Plan would not be able to secure maintenance of bizonality in practical terms.

In this respect, a Draft Act of Adaptation to the Terms of Accession of the United Cyprus Republic to the European Union, containing the main ideas of the Foundation Agreement, was attached to the fifth version of the plan. The Draft Act was designed in accordance with Article 4 (the so called 'enabling clause') of Protocol 10 of the Treaty of Accession. The Act was meant to be considered by the Council of the European Union and later published in the Official Journal of the European Union.

¹⁵¹ The calculation of the current value should be, according to the plan, based on the hypothesis that events between 1963 and 1974 had not taken place, i.e. they should not take into account alteration in values due to those events; it should if possible be based on comparable locations where property prices were not positively or negatively affected by those events.

¹⁵² For more see *The Report of the Secretary-General to the Security Council S/2004/437*.

Moreover, during the transitional period, the Co-Presidents of the new state of affairs were to send a letter to the President of the Council of the European Union requesting that the European Union *inter alia* would endorse the Foundation Agreement in line with the principles on which the EU is founded and accommodate its terms in a way that results in the adaptation of primary law.

Conclusion

The Cyprus problem is one of the oldest international conflicts, even predating the United Nations. It has consumed the energies of British, Turkish and Greek diplomats and has led to confrontations on the island as well as in various international settings, such as the UN, NATO, OSCE, the Council of Europe and most recently the EU.

Cyprus gained her independence in 1960 as a bi-communal partnership state, guaranteed by Greece, Turkey and the United Kingdom. Independence came after a decade of chaos on the island, which started with the Greek Cypriot uprising against the British with the aim of annexing the island to Greece, eventually leading to a dangerous dispute into which Greece and Turkey were drawn as well.

The Republic was based on three international treaties, the Treaties of Guarantee, Alliance and Establishment (1960 Accords), signed by Greece, Turkey and the United Kingdom, as three guarantor powers and the leaders of the two Cypriot communities. However, neither of the communities felt any real sense of ownership or loyalty towards the new state.

Its bi-communal government did not last more than three years due to Greek Cypriot attempts to change the agreed constitution of the partnership state, and in 1963 it collapsed with a fermenting constitutional dispute which led to inter-communal strife. These attempts, in effect, driven by the objective to force out the Turkish Cypriots from the administration, led to the de facto division of the island. The UN Peace Keeping Force was stationed on the island in 1964 in order to prevent the recurrence of hostilities.

This internal strife and violence faced by Turkish Cypriots lasted almost a decade. Immediately after, the military regime in Greece has organized a coup d'etat in Cyprus to annex the island, Turkey intervened in July 1974, under the provisions of the Treaty of Guarantee.

By 1975, Cyprus had been divided into a Turkish Cypriot controlled area in the north and a Greek Cypriot controlled area in the south. Following the transfer of the Greek Cypriot population from north to south and the Turkish Cypriot population from south to north under the UN population exchange agreements, the division of the island was complete.

Politically, the current situation in Cyprus is as follows: In the southern part there is an administration elected by and comprising Greek Cypriots only. This administration claims to be the legitimate government of the Republic of Cyprus, and is internationally recognised as such, notwithstanding the constitutional requirement that it should be bi-communal; nor the fact that it does not have control over about one third of the territory of the island.

Moreover, Cyprus has recently been admitted into the European Union (EU), under the representation of the above government. Turkey has fervently raised its objections that the accession of Cyprus into the EU (as such) before a comprehensive settlement is reached was contrary to the 1960 agreements.

Furthermore, the EU's policy of admitting Cyprus into the European Union even in the absence of a settlement has undermined the only motivation on the part of the Greek Cypriots to resolve the problem. The Greek Cypriots enjoying the benefits of EU membership still do not display any interest in the search for a viable and just solution as they are yet to present their amendment proposals to the Annan Plan in clarity and finality as the UN Secretary General requested.

And, of course, although formally the island as a whole is in the EU, the EU *acquis* is suspended in the northern part pending a settlement of the Cyprus problem. Administering the northern part, on the other hand, is the government of the Turkish Republic of Northern Cyprus (TRNC), elected by and comprising Turkish Cypriots only. This state is economically dependent on, and recognised only by, Turkey. The presence of Turkish troops on the island has been providing security for the Turkish Cypriots.

Since 1967, several rounds of UN sponsored negotiations have taken place between the leaders of the two communities. Although none of the settlement proposals previously formulated during the negotiations have been accepted by the two communities, they have served as a basis for the latest plan proposed by the UN, *the Comprehensive Settlement of the Cyprus Problem* (which came to be known as the Annan Plan). In Kofi Annan's words, this plan 'is not a framework but a truly comprehensive proposal, including all legal instruments necessary, and leaving nothing to be negotiated subsequently'.¹⁵³

This latest UN effort, like its predecessors also failed in the end. The Plan, which was finalized by the discretion of the UN Secretary-General upon the negotiations of the two sides in Būrgenstock with the support of Turkey and Greece was put to popular vote separately in the two communities on April 24th, 2005, based on the written consent of the five parties concerned, the two sides in the Island; Turkey, Greece and the UK. The Plan was rejected by a large majority of Greek Cypriots (75.8%), while it was approved by a clear majority of Turkish Cypriots (64.9%).

The President of the TRNC, Rauf Denктаş, was openly opposed to the Plan. However, Prime Minister Mehmet Ali Talat, who was given the mandate of chief negotiator for the Turkish Cypriot side in the last phase of the negotiations in Būrgenstock, was extremely keen to get a settlement. Support for the Plan from several other political parties, from the Turkish Cypriot public, as well as from most of the media, was also already quite large and vociferous. Most importantly, the plan was approved by the new government in Turkey.

The Greek Cypriot President, Tassos Papadopoulos on the other hand adamantly opposed to the Plan. In a televised speech on 7 April 2004, for instance, he declared: 'I was given an internationally recognized state. I am not going to give back "a Community" without a say internationally and in search of a guardian.' He argued that the promises of the plan were empty and Turkey would not keep her promises.

Mr. Papadopoulos called upon Greek Cypriots to reject the Annan Plan in order 'to defend your dignity, your history and what is right.' He urged his community 'to defend the Republic of Cyprus, saying NO to its abolition.' And asked his people to

¹⁵³ For more see *The Report of the Secretary-General to the Security Council S/2003/398*.

'rally together for a new and more hopeful course for the reunification of their country through the European Union.'

Other political forces on the Greek Cypriot side, such as DISI and EDI, supported the plan half-heartedly. Most of the Greek Cypriot media, with the remarkable exception of Politis newspaper, were against the plan. According to exit poles, the overwhelming proportion of DISI supporters in fact said 'no' to the referendum. Many civil society groups and opinion-shapers who appeared to be generally in favour of the Plan, shied away from supporting it in the referendum. It seems that the majority of the Greek Cypriots believed it would be possible to get a better deal through Cyprus' accession to the EU.

This result was a disappointment for most of the international community, not least the UN and the EU. The UN Secretary General in his report to the Security Council on 28 May 2004, when describing the implications of the Greek Cypriot verdict on the Plan, argued that 'What was rejected was the solution itself rather than a mere blueprint. Benefits for the Greek Cypriots which have been sought for decades, including the reunification of Cyprus, the return of a large swathe of territory, the return of most displaced persons to their homes (including a majority, some 120,000, under Greek Cypriot administration), the withdrawal of all troops not permitted by international treaties, the halting of further Turkish immigration and (if Greek Cypriot figures are accurate) the return to Turkey of a number of 'settlers' have been foregone. The result is the maintenance of the status quo, a status quo deemed unacceptable by the Security Council.'

The Greek Cypriot leader has since announced that the Greek Cypriots were committed to a solution based on a bi-zonal, bi-communal federation, but that he was not prepared to submit the plan to referendum again unless changes were made to meet the Greek Cypriot concerns which he claimed had not been met. However, the Greek Cypriot President refused to submit the list of changes they foresee in the Plan. Instead, Tassos Papadopoulos continued to speak about his concerns.

In his letter of 7 June 2004 from the Greek Cypriot President Tassos Papadopoulos to the UN Secretary General, the main points of these concerns are: (a) functionality and workability deficiencies; (b) the question of Turkish mainland settlers; (c) the expansion of the guarantor power rights emanating from the Treaty of Guarantee through the inclusion of an additional protocol; (d) the permanent stationing of Turkish military forces in Cyprus, even after Turkey's eventual accession to the European Union; (e) full implementation of the Plan had not been sufficiently guaranteed; (incompatibility with the EU *acquis communautaire*; and (f) long transitional period for territorial adjustment. Meaning; overall change of the Annan Plan.

The UN Secretary-General responded him by asking his specific list of changes, which has not been delivered as of mid April 2005. Tassos Papadopoulos's track record towards the Plan demonstrates that he is against the established UN parameters and therefore, the philosophy of the Annan Plan.

On the other hand, following their approval of the Plan, the Turkish Cypriots were asked by the Secretary General to remain committed to the goal of reunification, and Turkey was also asked to maintain its support for a solution in Cyprus. He also stated that the Turkish Cypriots' vote had 'undone whatever rational might have existed for pressuring and isolating them' and appealed to the members of the Security Council

to give a strong lead to all states to cooperate both bilaterally and in international bodies to eliminate unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development deeming such a move as consistent with Security Council resolutions.'

The European Union, for its part, had repeatedly underlined its strong preference for accession by a reunited Cyprus. However as stated above, the EU's policy of giving carte blanche to the Greek Cypriots for full membership irrespective of a settlement has played a significant and possibly the most encouraging reason for their rejection of the Annan Plan. On 26 April 2004, two days after the referenda the European Council declared its determination to put an end to the isolation of the Turkish Cypriot community; and to facilitate the reunification of Cyprus by encouraging the economic development of the Turkish Cypriot community.

The Council invited the European Commission to bring forward comprehensive proposals to this end, and also recommended that the 259 million euro, already earmarked for the northern part of the island in the event of a settlement, now be used for this purpose. On the basis of this commitment, the Commission drafted a 'comprehensive aid and trade package' for the Turkish Cypriots, which, amongst other things included a proposal for direct trade between the northern part of Cyprus and the EU customs territory.

There have also been various announcements by the USA and the United Kingdom to reconsider the situation concerning international restrictions on seaports and airports in the northern part of the island with a view to lifting the Turkish Cypriot isolation.

With these developments a new dimension has been added to the Cyprus conflict. As yet, none of these intentions have produced any result due to strong resistance by the Greek Cypriots.

The Greek Cypriot government, using its internationally recognised status as the government of the Republic of Cyprus and its membership of the EU, is blocking all proposals to remove the isolation of Turkish Cypriots. They claim that such efforts 'promote and present a situation of external trade with a secessionist entity as lawful', 'fail to respect legality' and 'violate the very norms from which they try to derive their legal validity.

In view of the statements and the political actions of the Greek Cypriot government since the referendum on the Annan Plan, it seems that Tassos Papadopoulos would like to use two main elements to realize his political vision: the desire of Turkey to join the EU; and the case-law of the European Court of Human Rights with regard to the Greek Cypriot property in the North.

On the whole, this stance not only puts the Greek Cypriot leadership at odds with the international community, which they contend is trying to 'upgrade the secessionist entity'. It also underlines the Greek Cypriot leadership's anxiety that their long-time recognized status as the sole representative of the whole of Cyprus might soon be called into question.

Moreover, it could be argued that the international community is acting inconsistently: on the one hand, it recognized the result of the separate simultaneous referenda on 24th April 2004, which reflected the right of the Turkish Cypriots and the Greek Cypriots to determine the future state of affairs on the island on an equal footing; and

on the other, it continues to recognise the Greek Cypriot government as the sole legal representative of Cyprus.

Despite the frustration caused by the Greek Cypriot side's 'no' vote in the referendum, and the Greek Cypriot leadership's increasingly obstructive approach in the EU towards them as well as to Turkey¹⁵⁴, the Turkish Cypriots seem to maintain their unequivocal endorsement of the UN settlement plan. However, the question of how far they can be expected to continue in their current limbo needs to be addressed.

As for the situation in Turkey, the present government, which has managed to bring about a dramatic shift in Turkey's Cyprus policy to support a settlement that would reunify the island, is still being blamed by the opposition for selling out Cyprus for the sake of an 'unrealisable dream', namely that of Turkey becoming an EU member. Any complication in Turkey's relations with the EU, which might result from the continuing impasse in Cyprus, may have spill over effects in Turkish politics, not least in relation to its policy towards Cyprus.

Against this background, the Turkish Cypriots continue to suffer from economic embargoes and isolation despite their commitment to the settlement while the Greek Cypriots enjoy the benefits of the EU membership as being the "winners" of this process.

¹⁵⁴ This has recently been confirmed in a British House of Commons Foreign Affairs Committee report (22 February 2005) on Cyprus. In the section entitled 'Cyprus and the EU', it is stated that:

'In an apparent bid to obtain concessions from Ankara ahead of the December 2004 EU summit, when a decision on Turkey's entry was to be made, President Papadopoulos described his country's newly-acquired veto as "a weapon we have in our hands."

'Talk of using the veto so soon after joining the club may be unpopular, but there is also some evidence to suggest that, since entering the European Union, the government of Cyprus's actions have been less than wholeheartedly communautaire. The spirit of cooperation, the big picture which was the impetus behind European enlargement, seems to be lacking. For example, the Republic of Cyprus, which has successfully claimed to represent all the people of the island, has appointed only one Turkish Cypriot to its representation in Brussels. Cyprus has also blocked the EU's direct trade proposal... Commenting on Cyprus's obstruction of the financial aid and trade proposals, Dr MacShane, said: "We have not found a solution and it would be perfectly fair to say that, in my judgment, the officials of the Republic of Cyprus are not working with us to find a solution."

Recommendations:

- 1.** The Annan Plan should be kept on the table. The Plan represents the climax of all international attempts to find a solution to the Cyprus problem. It does not completely satisfy all the parties, but it reflects a compromise solution. It is the most comprehensive and detailed plan ever produced. Enormous effort has been invested for its design. If nothing else, it would be diplomatically extravagant and politically imprudent to set it aside. It is still possible to fine-tune the plan without destroying the fragile and comprehensive balance in it.
- 2.** The negotiations should continue within the framework of the UN. Even though, the negotiations are carried out between the two sides in Cyprus and are sponsored by the respective motherlands, namely Turkey and Greece; it would be prudent to maintain the UN Secretary-General's role for finalizing the comprehensive settlement. For, it would be highly unlikely for the parties to complete such as a compromise by themselves due to decades long-seated differences.
- 3.** The EU cannot be a mediator in the Cyprus problem, as it is now in fact a party to the problem. Yet EU involvement cannot be ruled out completely. First, any settlement agreement will eventually become a part of EU primary law. Second, the EU has an important role to play in the implementation of any settlement to be approved by treating both sides on an equal footing. EU membership asks for solidarity and mutual respect. Concurrently, the Greek Cypriot side is expected to live up to the norms and standards of the EU membership in treating their Turkish Cypriot partners.
- 4.** In order to avoid endless rounds of negotiations, there is definitely a need for a time frame within which an agreement can be reached. On the other hand, care must be taken not to set artificial dates for finalising the settlement.
- 5.** Before submitting the renegotiated final settlement to public vote again, the approval of each side's leadership should be sought. Moreover, measures must be devised and incorporated into the procedure such that, in the event of rejection of the settlement by either side, any further uncertainty as to the status of the accepting party should be precluded.
- 6.** In order to complete a new process successfully, any change in the Plan needs to be limited and should not alter the comprehensive balance to the detriment of the either side. It is evident that piecemeal approach employed by the Greek Cypriot side to obtain one-sided concessions from the Turkish Cypriot side should not be allowed to gain ground.
- 7.** Confidence-building measures should not be considered as a substitute for, or even as an instrument to reach a settlement. Confidence-building measures have never led anywhere except to a major diversion of negotiating energy and more friction.
- 8.** The international community should fulfill the promises it made to the Turkish Cypriots concerning the elimination of 'unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots.