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THE CYPRUS PROBLEM: OBSTACLES AND CHANCES FOR THE
IMPLEMENTATION OF KOFI ANNAN'S PLAN

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ABSTRACT

This study attempts to shed some light on the different aspects of the Cyprus problem in the framework of the United Nations (UN) mediation. Its central hypothesis derives from the recent Kofi Annan plan, proposed in February 2003, for a viable solution in Cyprus. It raises some relevant issues related to previous plans by different Secretary-Generals that were unsuccessful, the role of the Cypriot society and its recent developments, cases of human rights violations that are not yet solved due to the political situation in the island and the reaction of the international community. Some recommendations and different scenarios have been also made regarding the UN Secretary-General's plan.

Moreover, in this paper, it is argued that the Annan plan is different from the existing 1960 Constitution of Cyprus because it strives to create a social infrastructure for a just and sustainable settlement. It paves the way towards the improvement of the Cypriots' human rights as well as the establishment of sufficient autonomy and acceptable safeguards for prosperity. With the upcoming accession of Cyprus to the European Union, there is an opportunity given to the leaders of the two communities in the island to implement social balance, peace and security in their people. As this paper is being written, the Annan plan is considered as an acceptable framework for a feasible solution in Cyprus.

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ABBREVIATIONS

AKEL	Communist Party of Cyprus
AKP	Islamist Justice and Development party of Turkey
ECHR	European Court of Human Rights
EOKA	Ethnike Organosis Kypriou Agoniston (National Organisation of Cypriot Fighters)
EU	European Union
ICAO	International Civil Aviation Organisation
IMF	International Monetary Fund
NATO	North Atlantic Treaty Organisation
RoC	Republic of Cyprus
TMT	Türk Mühavemat Tashkilat (Turkish Defence Organisation)
TRNC	Turkish Republic of Northern Cyprus
UDI	The Turkish Cypriot Unilateral Declaration of Independence
UN	United Nations
UNDP	UN Development Programme
UNFICYP	United Nations Peacekeeping Force on Cyprus

INTRODUCTION

The conflict in Cyprus has been a source of concern to the international community over forty years now. Throughout these years sporadic incidents of violence have been taking place between the Greek and Turkish communities in the island. The United Nations (UN) as an international organisation for promoting peace and security has released several reports in order to promote peace talks between the two parties. However, the problem still lies on the table and there has been no solution found yet. In this paper I am going to analyse the UN mediation in Cyprus and more specifically the recent developments on the Cyprus problem with emphasis on the Kofi Annan plan, which has been so far the most recent and most recognised one by the international community. It is argued by many scholars that the main element for a solution to the problem is the political will for a successful outcome.¹ A solution based on this plan could be achieved only if there is an unequivocally stated preparedness on the part of the leaders of both sides, fully determinedly backed at the highest political level in both sides to commit themselves to finalise the plan. This paper attempts to shed some light on these aspects and implications of the problem and provide some insight into the dynamics and complexities of the recent Annan plan and its influence in the Cypriot society.

In the first chapter, I am going to introduce the recent situation of the Cyprus problem and the role of the UN in this issue. More specifically, I will define the theoretical background of the UN mediation in Cyprus and talk about the main plans that have been proposed throughout the years since the UN started its active role in the island. Finally in this chapter, I will explain the importance of the Annan plan and its main difference from the other plans. As first hypothesis, however, I think it can be stated that one of the important difference between the Annan plan and other earlier UN efforts for settlement is that the Annan plan is linked to the time schedule for the accession of the Republic of Cyprus (RoC) to the European Union (EU). RoC signed in April 2003 the European Union Accession Treaty and its formal membership is due on 1 May 2004.

In the second chapter, the evolving dynamics created by the proposals of the new plan on different levels, such as micro and macro levels will be analysed as well as the societal changes in attitudes, situational settings, new coalitions, threats and behaviours. All these are going to be followed by the several issues that the plan encompasses, such as the settlement of

¹ See O.Richmond, J.Ke r-Lindsay, *The Work of the UN in Cyprus: Promoting Peace and Development*, Palgrave Pub., London, 2001.

the property issue, a political-economic harmonization and the institutional framework of the proposed new partnership mechanism. Moreover, I will address the most important cases on the issue of human rights, such as the issue of the missing persons, the right to property and the freedom of settlement and movement and how these are tackled within the Annan plan. I will illustrate whether the plan can solve these cases that are still pending in the European Court of Human Rights (ECHR) and if the plan is used more as a political tool than a legal one for the solution to the problem.

In the third chapter, the 1960 Constitution is going to be compared with the Annan plan since it is still regarded as the legal basis for further negotiations in order a political settlement to be reached in Cyprus. Moreover, there is going to be explained the role of the society and its changes with the recent developments over the issue. The roots of the ethnic conflict in Cyprus go back into history and deep into the bicomunal structure of the Cypriot society. As Tozun Bahcheli notes “that bicomunal states are prone to inter-ethnic conflicts and have a high potential for conflict, violence, and disintegration”.² He also adds that “EU membership provides no reliable guarantees against communal differences and conflicts and reminds us that membership in the EU has only marginally improved the relationship of the Protestant and Catholic communities in Northern Ireland”.³

However, the main difference with the 1960 Constitution is that it confirms Turkish Cypriots’ right to self-determination and the Turkish Cypriots cannot settle for anything less. The Annan plan provides sufficient autonomy and acceptable safeguards for prosperity under the EU umbrella and seems to be the best offer at the moment from the international community. Annan’s plan gives a higher degree of independence in order to reach towards Europe by reducing the number of settlers and sending some of them back to Turkey. This is a controversial issue and has to be tackled from different angles but it is going to be argued later in this paper.

It is essential to study the role of the actors to this matter. State actors and institutional actors, such as the EU should strive to create the social infrastructure for a just and sustainable settlement. It now seems to be a historical opportunity for a United Cyprus to become a member of the EU including a northern constituent state, which can boast its model nature

² T. Bahcheli, *Searching for a Cyprus settlement: Considering Options for a federation, a Confederation, or Two Independent States*, in <<Publius: The Journal of Federalism>> vol.30:1-2, 2000, p. 213.

³ Ibidem., p.211.

conservation as well as its sustainable service economy.⁴ What it is needed now is an open-minded dialogue between the two sides which will develop into trust and friendship and this forms the basis for a sustainable partnership. In order to join the EU, the primary element now for the Northern Cypriot authorities is to familiarise themselves with the EU *acquis communautaire*, that is, the treaties, laws, rules, regulations, policies and practices of the EU in order to work and develop its internal legal and administrative framework. This can provide a substantial framework in the search for a long-overdue political settlement on Cyprus.

In the last chapter, there are going to be some recommendations and proposals to the Annan plan as a result of this study and more specifically, there are going to be addressed different likely scenarios that might take place in the future. In the best case, if the plan is accepted, Cyprus is going to be a sovereign, united state and at the same time a new EU member state and could profit from all the EU advantages. In the worst case, if the plan is not accepted, a new plan can be proposed with some alternative changes, proposals and recommendations. The realistic case is that Cyprus is going to join the EU divided and only the Greek Cypriot part is going to become an EU member state, whereas the Turkish Cypriot side would have to wait until Turkey joins the EU, since it is the only country that recognises it as a legitimate state. This is the most recent development while this paper is being written and no one knows yet what the future holds.

What is needed now is a just and viable solution of the Cyprus problem, in accordance with the UN Resolutions and the High Level Agreements, which will guarantee the independence, sovereignty, territorial integrity and unity of Cyprus. Moreover, a political settlement would safeguard the human rights and fundamental freedoms of the whole of its population, Greek Cypriots and Turkish Cypriots alike. Recent developments have highlighted once again the urgency for solving this international problem.

⁴ S. Atasoy, *Cyprus, Turkey and the EU: The need for a gradual approach*, in <<The Brown Journal of World Affairs>>, vol.10, issue 1, 2003, p.266.

CHAPTER 1

UN MEDIATION IN CYPRUS

Cyprus became part of the Turkish Empire in 1571 and after 300 years Britain leased the island from Turkey, on 4 June 1878, in terms of which the island would be returned to Turkey when Britain no longer ‘wanted’ it.⁵ However, in 1914 Britain annexed unilaterally the island, due to First World War coalitions. In 1915, Britain offered to give Cyprus to Greece in return for immediate military support for Serbia during the First World War, but King Constantine refused. When he was temporarily overthrown, the Greeks entered the war on the side of the allies in 1918, but Lloyd George ruled this too late to warrant the prize of Cyprus.⁶ Under the post-war settlement, with the Treaty of Lausanne in 1923, Turkey formally accepted this annexation and in May 1925, Britain declared the island as a British colony and the High Commissioner was replaced by a governor.⁷ By 1946, Britain wanted to develop Cyprus as a strategic base and as Ernest Bevin, the British Foreign Secretary has said ‘our whole policy towards Cyprus will have to be reviewed, for we have starved the Cypriots, treated them very badly, and must mend our ways’.⁸

The aim of this chapter is to tackle the Cyprus problem since its independence in 1960 and explain the difference phases of the UN mediation up to the present day. More specifically, my hypothesis is to elaborate the developments that have taken place in the island as part of the UN mediation and explain the several, numerous plans introduced by the different Secretary-Generals throughout the years. The reason for this analysis is to underpin the influence of the changing international political dynamics to the Cyprus issue until now and realise the importance of the current proposal of the UN Secretary-General, Kofi Annan, which is going to be analysed in depth in the second chapter. This chapter will describe a chronology of the Secretary-General’s involvement in Cyprus in light of a number of events, described below. The Secretary-General’s good offices have constantly been overtaken by themes, which the office has little or no control. The mediation has been scuttled by a number of events and the negotiating environment is likely to worsen as time goes on and certain issues, such as the accession of Cyprus to the EU, put pressure upon the Secretary-General’s

⁵ B. O’Malley, I. Craig, *The Cyprus Conspiracy: America, Espionage and the Turkish invasion*, London, I.B.Tauris & Co Ltd., 2002, p. 9.

⁶ *Ibidem*.

⁷ M. Stephen, *The Cyprus Question*, London, January 2000, p.6.

⁸ B. O’Malley, *op.cit.*, p.9.

involvement. However, it is important to examine the different phases of the UN mediation in Cyprus in order to comprehend its current situation.

1.1. Definition of mediation

Throughout the period since the establishment of the UN, international mediation has been regarded as a significant tool of conflict management aimed at restoring, preserving or fine-tuning the international status quo. For Bercovitch, mediation in general is ‘a process of conflict management, related to but distinct from the parties’ own efforts, where the disputing parties or their representatives seek the assistance, or accept an offer of help, from an individual, group, state or organisation to change, affect or influence their perceptions or behaviour, without resorting to physical force or invoking the authority of law’.⁹

Another view is from Skjelsbaek, who describes mediation as ‘efforts by third parties to prevent the eruption or escalation of destructive conflict behaviour and to facilitate a settlement which makes renewed destructive behaviour unlikely’.¹⁰ As Holland describes in his book, mediation ‘is viable in certain circumstances: when a conflict is prolonged or when a pattern has emerged; when the disputants perceive the situation to be relatively balanced; when they believe that unilateral action will prove less advantageous, or cannot reap benefit or will result in unacceptable losses; or if an external force exerts pressure or offers rewards to one or more of the parties to participate in mediation, and either or both of these parties overcome the desire to abstain’.¹¹

1.2 The UN mediation in Cyprus

In the work of the UN, mediation of the Secretary-General is more than a channel of communications. It has to offer recommendations and possible grounds for a solution. The Security Council is the principal organ of the UN, which has to appoint a mediator in order to deal with conflict situations. Because of its non-judicial status, when considering a question under Chapter VI of the UN Charter, ‘the Security Council can offer parties a flexible

⁹ J. Bercovitch, *The structure and diversity of mediation in international relations*, in J. Bercovitch, J.Z. Rubin (eds), *Mediation in International Relations*, New York, St. Martin’s Press, 1992, p.7.

¹⁰ K. Skjelsbaek, *The UN Secretary-General and the Mediation of International Disputes*, in <<Journal of Peace Research>>, vol. 28, no.1, 1991.

¹¹ J. Bercovitch and J. Z. Rubin, op.cit..

framework which may help them to reach a compromise'.¹² Even though the parties might want to avoid the UN's involvement, they can still use its informal 'good offices'. Moreover, the mediator 'should not act in a manner contrary to its principles and purposes' as stated in Article 1 of the UN Charter. If the contrary happens, then the mediator has to withdraw and return his mandate to the parent organ.¹³

Under the above principle, we can see that in practice, the first Secretary-General in Cyprus, Trygve Lie, described his office as 'the most impossible job in the world', a statement that has become a part of the UN tradition.¹⁴ In 1975, the Secretary-General, Kurt Waldheim remarked it as 'the most thankless and frustrating task' of his period in office.¹⁵ When Javier Pérez de Cuéllar was acting as the Secretary-General's special representative in Cyprus in the early 1980s, he stated:

'It (any settlement) must be consistent with the provisions of the United Nations Charter, of which the following in particular seems relevant: the purposes, principles and obligations relating to the maintenance of international peace and security, the peaceful settlement of disputes, respect for the principle of equal rights and self-determination of peoples, respect for human rights and fundamental freedoms, recognition of sovereign equality of member states, abstention from the threat or use of force against the territorial integrity or political independence of any state, and respect for treaty obligations not in conflict with those of the member states under the Charter.'¹⁶ However, there must be a distinction between peacemaking and peacekeeping operations. There could be occasions when a dispute falls within a state's sovereignty, which Article 2 (7) of the UN Charter recognises as 'matters, which are essentially within the domestic jurisdiction of any state'. In these cases the 'UN has no right to intervene (only in special circumstances covered by Chapter VII) and the states do not have any obligation to submit for settlement to the UN'.¹⁷

The international community has made continuous efforts to resolve the problem of Cyprus ever since it first erupted after independence. However, it is best to separate the UN mediation in Cyprus into four chronological periods, 1959 to 1964, 1965 to 1974, 1975 to 1989 and 1990 till June 2003. This separation is needed in order to understand better whether the UN

¹² F. Mirbagheri, *Cyprus and International Peacemaking*, London, C.Hurst & Co Ltd.,1998, p.6.

¹³ Ibidem.

¹⁴ See O.Richmond, op.cit., p.127.

¹⁵ K.Waldheim, *In the Eye of the Storm: The Memoirs of Kurt Waldheim*, London, Weidenfeld and Nicolson, 1985.

¹⁶ *Official Records of the Security Council, Twentieth Year*, supplement for January-March 1965 (S/6253), para. 130.

¹⁷ See Repertory of Practice of United Nations Organs, vol.1, paras 221-9; supplement no.1, vo.1, paras 152-155.

mediation did play or not, a crucial role in the continuation of the recent problem of Cyprus. This is going to be argued in this chapter in combination with some criticism on the main proposals and plans that were introduced throughout this period in order to solve the Cyprus problem.

1.2.1. From independence to 1964

It is important first to explain how the independence of Cyprus was influenced by the post-war period, which proved to be an age of nationalism even though nationalism was retarded in colonies because of the de-colonisation period, where the independence of many colonies took place around the world and one of them was Cyprus.¹⁸ Colonised nations everywhere, which had helped fight the Germans and Japanese for the freedom of the world now wanted their freedom.¹⁹ However, nationalism began to be violent in Cyprus mainly since 1955 and in that helped the illegal organisation of Ethnike Organosis Kyprion Agoniston (National Organisation of Cypriot Fighters), EOKA. EOKA was aiming at achieving *Enosis* (union with Greece) and it would use any possible means for succeeding it. On the Turkish side, the Turkish Cypriots wanted ‘*taksim*’ (partition of Cyprus into Greek and Turkish sections)²⁰ as a counterforce to *enosis*. Both movements were supported by their motherlands, Greece and Turkey and created a political polarisation between the two ethnic groups. Mirbagheri argues “*in the absence of a well-developed Cypriot nationalism, the appearance of an organised, radical and Greek-oriented organisation aiming at the unification of Cyprus with Greece encouraged Turkish Cypriots to cling their traditional roots and assert their Turkishness against what seemed to them an assault by the Greek nationalism in Cyprus*”.²¹ Therefore, the Turkish Cypriots formed their own organisation called Turk Mughavemat Tashkilat (Turkish Defence Organisation), TMT. As a result of the establishment of the two organisations EOKA and TMT, Greek and Turkish nationalism in Cyprus became more vivid and intercommunal violence started to take place.

At that time Archbishop Makarios was the leader of the Republic of Cyprus who tried with Grivas to bring about *Enosis* in the island.²² In February 1955, Makarios stated in a sermon in Nicosia ‘we are more determined than ever to put an end to British sovereignty over Cyprus.

¹⁸ Ibidem.

¹⁹ B. O’Malley, op.cit., p.9.

²⁰ S. J. Joseph, *Cyprus: Ethnic conflict and international relations*, London, Macmillan Press, p.18.

²¹ F. Mirbagheri, op.cit., p.14.

²² B. O’Malley, op.cit., p.15.

Strict British laws and imprisonments will not prevent our campaign from ending in *Enosis*'.²³ In the meantime, Grivas was busy organising mountain gangs and three weeks later, Grivas told Makarios that he was ready to start the struggle and on 29 March the Archbishop gave him his blessing.²⁴ By that time, Sir John Harding, who was the Governor of Cyprus had enough information gathered in order to prove that Makarios was involved deeply in EOKA's terrorism. Evidence came from Grivas's diaries that were captured by security forces.²⁵ On 9 March 1956, Makarios was exiled to Seychelles by the British administration, along with the Bishop of Kyrenia, and that left some time for the British to find a political solution to the problem in the island. However, the only thing that they gained was a postponement to a solution and more events and riots, which broke out in the island. After a year, Makarios was released and was brought back to Athens. As Holland has stated in his book, "nothing had really changed" and "much of the worst violence was still to come".²⁶ In Athens, he had the chance to persuade the Greek government to put pressure on Britain towards the achievement of Enosis and "continue the struggle for self-determination, this is guaranteed by the Cypriot's immovable decision to shake off the British yoke and live free".²⁷

On 11 February 1959, in Zurich, Greece and Turkey reached an agreement after seven days of tough negotiations, in the establishment of the sovereign state of Cyprus. The agreement was also accepted by the United Kingdom (UK), the leader of the Greek Cypriots, Archbishop Makarios, and the leader of the Turkish Cypriots Dr. Fasil Küçük. There were four main legal documents, treaties that were signed by all these actors. Firstly, the Draft Treaty which concerned the establishment of the Republic of Cyprus (RoC), the Treaty of Guarantee between the UK, Greece, Turkey and the RoC; the Draft Treaty of Alliance between the RoC, Greece and Turkey and finally a Gentlemen's Agreement between the Greek Premier, Karamanlis and the Turkish leader, Menderes, added by a Protocol.²⁸

1.2.1.1. The Acheson plan

Several incidents took place at the end of 1959 and beginning of 1960s, when the signature of the London and Zurich agreements was made and the UN mediation was needed to balance

²³ Ibidem.; see also J. Reddaway, *Burdened With Cyprus: The British Connection*, London, Weidenfeld and Nicolson, 1987, p.73.

²⁴ Ibidem.; see also G. Grivas, *Memoirs of General Grivas*, (Eds) C. Foley, London, Longman, 1964, pp.15-20.

²⁵ Ibidem., p. 30; see also *The Times*, 5 March 1956 and 10 March 1953.

²⁶ R. Holland, *Britain and the revolt in Cyprus: 1954-1959*, Oxford, Clarendon Press, 1998, p.181.

²⁷ Ibidem., p.185.

²⁸ F. Mirbagheri, op.cit., p.12.

the situation in Cyprus. The independence constitution, embodied a fragile agreement for proportional power-sharing between the Greek and Turkish-Cypriots, but in late 1963 the weak consensus broke down and led to communal violence because the Turkish Cypriots rejected the thirteen points proposed by President Makarios, known as the 'Akritas plan'.²⁹ At Christmas 1963, the Greek Cypriot militia attacked Turkish Cypriot communities across the island and many of their men, women and children were killed and intercommunal violence broke out. US interference was needed urgently in order to moderate the situation and therefore the first proposal by the US government took place in December 1963 by the US Secretary of State, Dean Acheson, which sought a 'double Enosis'. More specifically, the plan was divided into three main points whereby Turkey would get compensation if Cyprus were to be unified with Greece. It would be a territorial compensation where Turkey had the right of having a military base on the island.³⁰ However, the Greek administration rejected the plan later since Makarios did not approve it. The US policy therefore, failed in two points: the prevention of the internationalisation of the Cyprus problem and the control of the communist AKEL, the Cypriot communist party.³¹

1.2.1.2. The UN peacekeeping force in Cyprus

From 1954 until the birth of the Cyprus Republic, the UN General Assembly had been presented with the Cyprus problem for five consecutive years from 1954 to 1958.³² Appeals to the UN were made by Greece, asking for application of the principles of equal rights and self-determination in Cyprus. The General Assembly made a recommendation for a peaceful solution of the Cyprus colonial problem. However, in 1963 there was a new turnover with Cyprus becoming a UN member, therefore there was no reason to ask from Greece to take the issue before it. Cyprus had the right as a UN member to ask for assistance over its

²⁹ The Akritas plan was a secret strategy by the Greek Cypriots and was revealed in April 1966 but it had started with the 13 points of Makarios in 1963, which aimed at changing the 1960 Constitution; abrogate the Treaties of Guarantee and Alliance, reduce the Turkish Cypriot people to the status of a mere minority, wholly subjected to the control of the Greek Cypriots and achieve *enosis* through a plebiscite on the right to self-determination. The plan can be found in F. Mirbagheri, op.cit., p.19.

³⁰ The proposals were: a) the full sovereign cession to Turkey, in perpetuity, of a large area of Cyprus for a military base. These areas were located in the Karpass peninsula and the Peristeria-Boghaz region of northeastern Cyprus, b) Up to three cantons to be established for the Turkish Cypriots with full local administration in their control, c) An international body to observe the application of human rights provisions, with NATO exercising an enforcement role in case of violations. Some of the provisions were revised later to ensure the agreement of the Greek government. F. Mirbagheri, op.cit., p. 32.

³¹ Ibidem., p. 33.

³² Ibidem.; see also S.G.Xydis, *Cyprus: Conflict and Conciliation, 1954-58*, Columbus, Ohio University Press, 1967.

sovereignty, territorial integrity and any support against any threat. In the 1960s, the UN was getting more power and for that reason Makarios had found it more reliable to tackle the issue from NATO. But with the 1963 crisis, Makarios did not approve neither the Acheson plan, either any NATO plans that were already suggested to him, mainly because he did not want to grant any foothold of Turkey in Cyprus or to allow any decrease of his power in the island. Makarios had stated in the London conference on 15 January 1964 that the UN would be the only organisation he would accept in the island.³³ It looked like the UN was the only alternative for decreasing the fighting in Cyprus and for preventing a Greek-Turkish war from breaking out. The Soviet Union, being a UN member was accessed to the Cyprus problem through the Security Council.³⁴

As Michael Stephen stated in his book 'The Cyprus Question' that the division of the island took place in 1964 and not in 1974. In 1964, 'the Turkish Cypriots were forced to withdraw into defended enclaves and had to establish an elected authority to govern themselves whilst confined in their defended enclaves'.³⁵ The UN saw that immediate action was needed in order to stop the violence and it decided on the Resolution 186 on 4 March 1964 for a peacekeeping force, the United Nations Peacekeeping Force on Cyprus (UNFICYP). In Greece the situation was intense, the Greek-Turkish relations were already deteriorated especially with the ascent to power of a Greek nationalist right-wing military junta in 1967.³⁶ However, the dictatorship regime was explicitly seeking *Enosis* and was abandoning the policy of independence.³⁷ The regime was overtaken by a hard-line counter-coup in November 1973, led by the military police commander Brigadier Ioannidis who was trying to provoke war with Turkey and that did not help the situation in Cyprus. Following a seven-year period of tension and hostility with Makarios, the military regime attempted to overthrow him. The climax came in 1974 with a nationalistic coup against President Makarios, inspired by the Greek Junta Colonels, who worked mainly with the National Guard and believed that 'Makarios had brought to power an extremist pro-*enosis* puppet regime'.³⁸ Turkey found a chance to intervene in Cyprus and occupied 37 per cent of the island.³⁹

³³ Ibidem., p. 36; see also the UNFICYP website, <http://www.unficy.org>.

³⁴ Ibidem., p. 38.

³⁵ M. Stephen, op.cit., p. 21.

³⁶ Joseph. S. Joseph, op.cit., p.51.

³⁷ Ibidem.

³⁸ Ibidem. According to the Constitution, Greek Colonels were also part of the National Guard. Major source of tension and hostility between the Greek military regime and Makarios was the latter's open criticism of dictatorial rule and doctrine. For more on the Athens-Nicosia relations see Makarios' open letter to the Greek junta dated 2 July 1974 in <<the Sunday Times>>, London, 21 July 1974.

³⁹ Ibidem.

As it is mentioned in the previous paragraph, on 4 March 1964 there was the adoption of the UN Resolution 186 setting up the UNFICYP for a period of three months and calling for the position of a mediator.⁴⁰ In a report on 17 January 1964, the Secretary-General informed the Security Council for Lieutenant-General P. S. Gyani to observe the situation in Cyprus until the end of February 1964. As a result of this, there was the consultation of Greece, Turkey, Cyprus and Britain to this issue.

Commander of the UNFICYP became General Gyani who was appointed two days after the adoption of the Resolution. However, the resolution was not taken into force immediately and Turkey was threatening to intervene in the island unilaterally. The Security Council on 13 March 1964 adopted a second Resolution 187, calling on the member states to stay back from any threats or actions which would worsen the Cyprus issue. The mandate of UNFICYP was enforced on 27 March 1964 with sufficient troops taking their place in order to fulfil its actions. There were military contingents of the Force from Austria, Canada, Denmark, Finland, Ireland, Sweden and Britain.⁴¹ It was not an easy task for the mediator since the agreement of all the parties was important.

1.2.1.3. The Plaza report

On 25 March 1964, the Finnish ambassador to Sweden, Sakari Tuomioja was appointed mediator with no objection and spent the first two months in Cyprus. On 16 September 1964, Dr. Galo Plaza replaced Sakari after the later died suddenly, and was charged with the continuation of the peacekeeping settlement. Plaza with his previous experience as a special representative of the Secretary-General in Cyprus was familiar to the problem. He gave a report, which described the behaviour of the two communities, Greece and Turkey in the island.⁴² In his five part analytical report he talked about his activities and functions, about the

⁴⁰ See the UN website, <http://www.unficy.org/histbackground.htm>.

⁴¹ F. Mirbagheri, op.cit., p. 38.

⁴² The Plaza report: 1) *Enosis*, since it cannot obtain the agreement of all the parties directly involved, should be excluded from any settlement. This exclusion, however, should not be an imposition on the Greek Cypriots. Rather it should be a voluntary move on the part of the Greek Cypriots in order to bring a peaceful settlement to the Cyprus problem. (Para.146), 2) Cyprus should be demilitarised and refrain from aligning itself with any grouping of nations for military purposes (para.147), 3) Partition should be excluded (para.147), 4) Federation should be excluded as there is no territorial basis for federation in Cyprus (para.150), 5) There should be no return to the pre-1963 conditions in terms of the political partnership of the Turkish Cypriots. The Turkish Cypriots cannot and should not expect the same privileges as those granted to them by the 1960 Agreements (para.161), 6) There should be additional and exceptional protection for the rights of the Turkish Cypriots. Those of the Turkish Cypriots wishing to resettle in Turkey should be assisted and compensated (paras. 158, 159, 160, 161), 7) There should be autonomy for the Turkish Cypriots in 'national' traditions, religion, education and personal status (paras.162, 163), 8) The UN should take the responsibility of being the guarantor of any agreed settlement in Cyprus (para. 168), 9) The people of Cyprus should either vote for or against any settlement in total

background of the problem, the position of each party involved and their mediation efforts and on the fifth and last part he talked about the past and future course of the mediation. However, there was a reaction from both sides and it is important to explain what happened in order to understand how both communities were using power as a last resort.

1.2.1.4. The Greek-Cypriots reaction

The military build-up continued even after the arrival of the UNFICYP and led to military mobilization being introduced by the Greek Cypriots in June 1964, with Grivas coming back to Cyprus and taking the lead of the National Guard.⁴³ After that, the hostilities started. The two communities were ready to gain ground politically or militarily. The Greek nationalism and the ultimate goal for Enosis remained the biggest motivations for the Greeks to enhance their military power. This showed that there was mistrust from both communities in Cyprus and also the fact that the military strength of the one community had an affect on the bargaining position of the other community.

1.2.1.5. The Turkish-Cypriots reaction

In 1964 the Turkish-Cypriots were relying on the UN force for security and justice but they were disappointed. The first reason is that on the UN Resolution 186, the Security Council was referring to the Cyprus government whereas they should present themselves as such according to the Turkish-Cypriots and as the sole government in the island.⁴⁴ According to the UN Secretary General U Thant, he used to state that the Cyprus problem is a matter of the Cyprus government.⁴⁵ All these issues worsen the situation for the Turkish-Cypriots. Moreover, the separation of the two communities has made the whole issue arise since the 1963 crisis began. In 1965, there was a report of U Thant to the UN, where he stated: “The Turkish Cypriot policy of self-isolation has led the community in the opposite direction from normality”.⁴⁶ They were completely dependent on Turkey for military and financial support; otherwise it would have been difficult to pursue their policies. Any new solution to the problem would be only by excluding Enosis, being bicomunal in nature and allowing separation between the two communities. Last but not least, there were having a distinct

and not accept or reject the settlement partially. Any partial acceptance or rejection would disrupt the likely delicate balance of any such settlement (para.172). Ibidem., p.43.

⁴³ Ibidem., p. 46.

⁴⁴ Ibidem., p.47.

⁴⁵ Ibidem.

⁴⁶ *UN Doc. S/6228*, 11 March 1965, para.17.

identity in terms of religion, culture and traditions. That was making alike Turkey. The response to the Plaza Report was negative believing that the UN mediator was misled by Greek Cypriot propaganda.⁴⁷

It is difficult to say why Plaza submitted a report that would be difficult for both sides to accept. The Greek Cypriots wanted *Enosis*, which was not easy to be accepted from the Turkish Cypriots. The Turkish Cypriots wanted a federal state, insisting on geographical separation, which the Greek Cypriots would not accept either. Each community followed the policies of its mother country towards the report that was at the end rejected by both sides. The Galo Plaza report was different from the Acheson plan because the first one was calling for a solution in the context of the unitary state of Cyprus, whereas the Acheson plan required the dissolution of the state.

1.2.2. From 1965 to the crisis of 1974

There were a few differences that emerged between the US and the UN in 1965. When on 18 December 1965, at the request of the RoC, the General Assembly voted on the Resolution 2077(XX) calling on all states to respect the sovereignty, territorial integrity, independence and unity of the RoC, only a few countries supported the US and voted against it. The major efforts for mediation by UN Ambassador Galo Plaza were rejected in 1965 by the parties; therefore UN sponsored intercommunal talks continued till the Turkish intervention of 1974. International peacemaking between 1965 and 1974 failed, even though scholars argue that it could have been a right time for a settlement to take place. The first two years of that period was quite, there was not much of a peacemaking activity in the front. However, after the crisis of 1967, in the period of 1968 to 1974, intercommunal talks emerged between the two communities and many proposals were exchanged between them for an outcome to the conflict.

The talks were divided into 4 phases, starting from the 24 June 1968 and ending in July 1974, all of them took place in Nicosia, capital of Cyprus. However, the negotiations for one more time failed to bring the two communities together and provide a feasible solution to the Cyprus problem. During that period, the Greek-Cypriot attitude to the intercommunal talks

⁴⁷ F. Mirbagheri, op.cit., p. 49.

was dominated by Makarios, whose relations with the Turkish-Cypriot leadership was not at its best and were minimal. As Mirbagheri points out in his book “the Archbishop’s policy towards the talks was confused: his difficult relations with Greece, his fear of an agreement behind his back between Greece and Turkey on Cyprus, the gradual disenchantment of Greek Cypriots with *Enosis* and the presence of radical Greek-Cypriot *Enosists* at high levels in the Cyprus government, all contributed to an inconsistent attitude”.⁴⁸ As Clerides stated “1964 to the end of 1970 was a period during which the Cyprus problem could have been solved”.⁴⁹ From the Turkish-Cypriot side, the Galo Plaza report did not meet their demands and interests. Even though they were imposed with an economic embargo by the Greeks,⁵⁰ it still did not force them to compromise with the Greek-Cypriots. The Turkish-Cypriot side had politically an administration but the international community did not recognize it as a legitimate state and their economic status was depending on Turkey, since it was the only state that recognized them. Therefore, they needed Turkey’s consent for a settlement.⁵¹

The Turkish military activities, which followed, resulted in a rigid division of the island between north and south with exchanges of population. The 1974 confrontation brought to Cyprus democratic changes that took place. The forcible creation of the two separate ethnic zones demarcated with the heavily fortified ‘Attila line’, which eliminated any interaction between the two sides.⁵² The division was deepened with the unilateral declaration of independence by North Cyprus, in 1983 with Turkish sponsorship. The Turkish Cypriots declared that each ethnic group should have ‘the right to live and govern itself in its own territory in peace and security, and have the right to preserve its own national identity’.⁵³ Most of the human rights violations took place after the 1974 military intervention, such as the problem of missing people, the cultural property loss, the freedom of movement and

⁴⁸ Ibidem., p.64.

⁴⁹ For an elaborate account of the 1968-July 1974 intercommunal talks see P. G. Polyviou, *Cyprus: Conflict and Negotiation 1960/1980*, London, Duckworth, 1980; see also G. Clerides, *Cyprus: My Deposition*, Nicosia, Alithia Publishing, 1989, vol.2, p.380.

⁵⁰ See the 1994 European Court of Justice decision stating that all goods exported to the EU have to be certified by the legal authorities, which means by the administrative officials in the South, as the TRNC is not recognised by any state but Turkey, therefore the TRNC is not a legal authority. See also S. Talmon, *The Cyprus Question before the European Court of Justice*, <<European Journal of International Law>>, vo.12, no.4, pp.727-50.

⁵¹ F. Mirbagheri, op.cit., p.66.

⁵² The Turkish invasion in Cyprus was code-named ‘Attila operation’ after the king of the Huns known as the ‘scourge of God’. For more on the 1974 Cyprus crisis and its aftermath on the regional power is discussed in the following works: K. Mackenzie, *Greece and Turkey: Disarray in NATO’s Southern Flank*, in <<Conflict Studies>>, no.154, 1984; R.J.Rander, *Cyprus and the Great Power Balance*, in <<Encyclopaedia Britannica>>,1975, pp.216-17.

⁵³ Resolution of the Turkish Cypriot ‘Assembly’ approved the ‘declaration of independence’, 15 November 1983.

settlement. It is important to show what the UN mediation force did while all these events took place and examine the plans that were proposed throughout the years.

As Robert Richmond describes in his book 'The work of the UN in Cyprus', he states "the comfortable status quo that emerged after the Greek troops were withdrawn after 1967 when the intercommunal talks began, and re-emerged after the dust had settled in the summer of 1974, has in part been brought about by the success of the UNFICYP, but has not provided either side with sufficient incentives to make the necessary and painful sacrifices needed for a compromise settlement".⁵⁴ Plaza's report is important to look at because even though it failed, it tried to maintain ceasefire status quo in the island. Plaza had commented on the substantive issues of the conflict but this was only going to lead to the end of a mediation process and result to another conflict. This looked as a poor way of international mediation under the auspices of the UN.

The UN did not act under the realities of the international system and was trying to use the plan as a technique of conflict settlement but avoided to look at the root of the problem. The Turkish-Cypriots were always referring to the right of self-determination and to human rights for oppressed minorities but the Greek-Cypriots used the words 'intervention' and 'sovereignty' to show that the Turkish side wanted to interfere and ask for independence.⁵⁵ The role of a third party was to draw a line between the two appeals and try to look at the principles and legitimise them. The use of talks was not helping and the only thing that succeeded in was to postpone the emergence of a conflict.

Most governments use the principles of sovereignty, non-intervention and territorial integrity to justify their position towards 'rebels' and deny the existence of ethnic conflict. "As the international system is status quo oriented, mediators find themselves often able to do little more than strengthen the emerging status quo, regardless of their professed objectives".⁵⁶

However, until 1974 there was no substance or any hope in the negotiations, neither the intercommoned talks brought any concrete outcome for a settlement. With an unstable political situation in Greece, the military coup that took place in 1967, and the entrenchment

⁵⁴ O. Richmond, J. Ker-Lindsay, op.cit., p.121.

⁵⁵ Ibidem., p.122.

⁵⁶ See O. Richmond, *Devious Objectives and the Disputants' Views of International mediation: a theoretical framework*, in <<Journal of Peace Research>>, vol. 35, no. 6, 1998, Oslo.

of the Turkish community caused by sporadic violence, intercommunal dialogue was on the scene until 1974.

1.2.3. From 1974 to 1986

From July 1974 to 1980 security in eastern Mediterranean was threatened by the events that took place in Cyprus, especially after the events of July and August 1974. The UN played active role in that period and external powers such as Britain, the US and Canada launched a major independent initiative in 1978, which ended in failing to bring the two communities together, because the Greek side did not agree in some of its provisions. This period is going to be explained with some important events that took place while UN mediation was still trying to find a solution in the island.

1.2.3.1. The Geneva talks

The events of 1974 were a turning point for Cyprus. After the military activities of 1974, negotiations had to start immediately in order to restore peace and stability in the region. The military presence of Turkey in the north of the island meant that the Turkish Cypriots would enter any possible dialogue with the Greek Cypriots because now they felt more powerful. The first attempt of peacemaking after the invasion was made with the Geneva talks between the guarantor powers. The UN Security Council called on Britain, Greece and Turkey to enter negotiations for the constitutional government in Cyprus.⁵⁷ Greece and Turkey accepted the talks in Geneva and the negotiations started. They agreed in certain elements such as “the areas controlled by each side in Cyprus were not to be extended and that all hostilities were to cease. A security zone was to be established, which only the UNFICYP could enter. Greek Cypriots agreed to evacuate all Turkish Cypriot enclaves occupied by them and exchange or release hostages”.⁵⁸ However, it was not solved the problem of the separate administrations in the island, the Greek Cypriots and the Turkish Cypriots but was addressed in the second round of the Geneva talks.

⁵⁷ See *UN Doc.* Resolution 353 of 20 July 1974, para.5

⁵⁸ F. Mirbagheri, *op.cit.*, p. 89.

The second round (8-14 August 1974) started ‘in an atmosphere of charges and counter charges’.⁵⁹ The representatives of Greece, Turkey, Britain and the UN agreed on a demarcation line separating the two warring factions,⁶⁰ whereas the Greek-Cypriot leader, Clerides and the Turkish-Cypriot leader, Denktash put forward plans for a settlement. However, neither of the plans succeeded and on the 14 August 1974 the second Turkish military invasion took place in Cyprus.

1.2.3.2. The Vienna talks

After the second invasion, the Turkish Cypriots declared the occupying area as a ‘Turkish Federated State of Cyprus’. Therefore the Security Council carried on with the talks known as the Vienna talks. The Vienna talks took place in February 1975, where it was divided into five round of talks and lasted for a year. In these rounds, the main issues that arose were the question of the displaced persons, the territorial aspect and the powers and functions of a central government. In the last round, the Greek Cypriots asked for a central government, whereas the Turkish Cypriots were asking for a weak federal government with increased powers for the federated states.⁶¹ Neither of these proposals came to a settlement nor the question of the displaced persons was solved. Therefore there was no outcome from the Vienna talks even though they were held under the chairmanship of the UN Secretary General, Kurt Waldheim. There was a second series of the Vienna talks (31 March-7 April 1977),⁶² where both parties gave proposals on the territorial aspect of the problem and the constitutional one. However, there was still no success on the negotiations.

After the failure of the Vienna talks, another meeting took place between Makarios and Denktash on 27 January 1977 under the presence of the Secretary-General’s special representative in Cyprus, Javier Perez de Cuellar, at the UN headquarters in Nicosia. It was the first time after fourteen years that the two leaders met. A four-point agreement was reached between them,⁶³ which laid down the guidelines for future negotiations between the

⁵⁹ J. Calaghan, *Time and Chance*, London, Collins, 1987, p. 349.

⁶⁰ *UN Doc. S/11433*, 10 August 1974, para.8.

⁶¹ For the full text of the proposals of the two sides see *UN Doc. S/12093*, 5 June 1976, Annex I and Annex II.

⁶² For the full text of the Greek Cypriot and Turkish Cypriot proposals see *UN Doc. S/12323*, 30 April 1977, para.7, 9-13, annex II, III, IV, V.

⁶³ The points of the agreement were as follows: 1) We are seeking an independent, Non-Aligned 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 principle, like freedom of movement, freedom of settlement, the right of property and other specific matters, are open for discussion, taking into

two communities. This agreement represented a 'Framework Agreement' and it included principles such as a bicomunal federation, the unity of the country, freedom of movement, settlement and ownership. At that time, Waldheim thought that there is ground, which could be built upon and therefore he continued the negotiations.

As Holland describes in his book 'The UN work in Cyprus', when Waldheim took office, he played a 'prominent procedural role in the intercommunal talks during his tenure and in 1978 all sides had agreed to let him judge if the proposals for discussions were substantive enough to warrant the resumption of intercommunal talks'.⁶⁴ He continued with 'the American-British-Canadian initiative' at the same year where the three countries drafted a joint plan, which failed to win the acceptance of both communities and was put aside. Waldheim succeeded in one more important juncture while he was in office and that is the High-Level Agreement between Makarios' successor, Spyros Kyprianou and Denktash to a ten-point memorandum⁶⁵, which mainly elaborated the 1977 framework and re-established the dialogue in 1979.⁶⁶ The agreement was characterised as a breakthrough and it raised hopes, which soon faded since its terms remained unimplemented. A Turkish Cypriot recalled 'as it would not be right for the Secretary General himself to make 'proposals', his evaluations were described as 'ideas' or 'guidelines'.⁶⁷

What Waldheim thrived to do was to establish a federal, independent, sovereign, non-aligned republic made up of separate Greek and Turkish provinces and a federal distinct that would be the seat of government.⁶⁸ It is difficult to say if it was Waldheim mistake and whether he should have made more efforts, considering the nature of the case or the conflict was so complex to proceed to a solution. One might mention that some more pressure from the US upon Turkey was needed and more support from the great powers towards the UN could have helped to bring the organisation under bigger pressure to bring a settlement sooner.

consideration the fundamental basis for a bicomunal 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 bicomunal character of the state. Ibidem., para.5.

⁶⁴ R. Holland, op.cit., p.136.

⁶⁵ The ten points can be found in the *UN Doc. S/13369*, 31 May 1979.

⁶⁶ Waldheim in his book recalled that 'together with the 1977 guidelines, it was to serve as a benchmark for future negotiations', from K. Waldheim, *In the Eye of the Storm: The Memoirs of Kurt Waldheim*, London, Weidenfeld and Nicolson, 1985, p. 91.

⁶⁷ M. Necatigil, *The Cyprus Problem and the Turkish Position in International Law*, Oxford, Oxford University Press, p.142.

⁶⁸ Ibidem., p.144.

1.2.3.3. The ‘Interim Agreement’ proposal

This agreement was the first UN initiative in the 1980s under the auspices of the Secretary-General Waldheim, proposed between the disputants in the fall and winter of 1980-1. In this agreement the main issues were the reopening of the Nicosia’s international airport to civilian traffic, the placing of Varosha under UN administration and the lifting of some seventy per cent of the economic sanctions imposed by the RoC on the Turkish Cypriots.⁶⁹ In the agreement it was mentioned the term ‘bizonal’ which the Greek Cypriots interpreted as ‘biregional’ and it proved to be a controversial issue for both sides, especially after Denktash explanation as “the meaning of ‘bizonal’ is that I am a state that has territory as one of the two federated states. I am a sovereign on many things within this territory. My sovereignty is absolute; no one can take it away from me”.⁷⁰ The different interpretations of the word ‘bizonal’ caused the reason for the agreement not to be signed and brought no solution to the problem. There was no political will to bring a settlement and decide on something common. Even though the Secretary-General Waldheim had all the optimism to bring the two communities closer through this agreement, there was still some hope left from his side. This agreement paved the way for another initiative that came from Waldheim’s Special Representative, Hugo Gobbi. The Gobbi initiative in 22 October 1981 was sent to the two parties, which did not agree on it again. Even though it failed, it created the basis for further negotiations between the two communities.⁷¹ The importance of the Gobbi Initiative is that it allowed many proposals and counter-proposals to take place between the two communities. Most of these proposals that cannot be outlined in full here, dealt with issues such as the resettlement of Varosha, the promotion of goodwill gestures, the constitutional aspect and the territorial aspect.⁷² There was no official release of this Initiative and all negotiations lasted for two years and took place behind closed doors. There was a reaction from both communities, which still did not leave any official record of each response of either side.

1.2.3.4. The Initiative

In August 1983, there was another proposal, which was different from the previous ones. It came under the auspices of the Secretary-General Perez de Cuellar, who was pursuing his

⁶⁹ See *UN Doc. S/14275*, 1st December 1980, para. 42.

⁷⁰ Interview with the Turkish Cypriot Magazine *Olay* conducted on 16 July 1979.

⁷¹ For discussion of the Gobbi Initiative, see *UN Doc. S/15502*, 1 December 1982, para.47 and *S/15149*, 1 June 1982, para.45.

⁷² See *UN Doc. S/15812*, 1 June 1983, p.11, para.49.

mission of good offices at that time in order to establish a new settlement. This one was referred as 'the Initiative' and it dealt with some interesting issues. Firstly, it talked about "the rotation of the Presidency, whereby the Turkish Cypriots, like the Greek Cypriots, could aspire from the control of a reunified Cypriot state. Secondly, it proposed that the legislature was to be bicameral and not unicameral like the 1960 Constitution had enforced. The lower chamber was going to have representatives from both communities in proportion of their population and the higher chamber was going to host an equal number of representatives from each community. Each community would vote for its own members of the parliament. Concerning the executive branch of a reunified Cyprus, the Initiative proposed a ratio of 60 per cent Greek Cypriots to 40 per cent of Turkish Cypriots as against the 70:30 ration in the 1960 Constitution. The amount of territory that the Turkish Cypriots were to give back would be 8-13 per cent, reducing the existing 37 per cent to either 29 or 24 per cent".⁷³ According to the newspaper *Cyprus Mail*, "the Turks would hand back some territory now under their control, while the Greek side surrendered governmental powers now in their hands".⁷⁴ It is interesting to refer to the Greek Cypriot response over this initiative, where important political changes took place. At that time, DIKO, the ruling party was complaining about the fact that the initiative did not address the issue of human rights. More specifically, it was referred to the three basic freedoms of free movement, settlement and the right to property throughout the island for all Cypriots. They argued, "such rights are contained in the Universal Declaration of Human Rights and could not be dispensed within Cyprus. The 180,000 refugees should have the right to go back to their homes and live in their ancestral properties if they wished to do so".⁷⁵ As an outcome of this, the Greek Cypriots did not agree on the initiative and as an unexpected outcome, the foreign minister of the Greek Cypriots, Nicos Rolandis offered his resignation on September 1983. He explained "Mr Kyprianou did not want meaningful negotiations on the problem of Cyprus".⁷⁶

⁷³ Quoted by F. Mirbagheri, *op.cit.*, p.126.

⁷⁴ Quoted by G. D. Camp, manuscript prepared for Polity, in <<Journal of the Northeast Political Science Association>>, 1988, p. 11.

⁷⁵ F. Mirbagheri, *op.cit.*, p. 126.

⁷⁶ R. R. Denktash, *The Cyprus Triangle*, Lefkosa, K. Rustem and Bro., 2nd edition, 1988, p.278.

1.2.3.5. The Turkish Cypriot Unilateral Declaration of Independence (UDI)

The UDI was established on 15 November 1983 under the Turkish Cypriot leader, Rauf Denktash.⁷⁷ At the same period, he changed the name of his state TFSC (Turkish Federated State of Cyprus) of 13 February 1975 to the TRNC (Turkish Republic of Northern Cyprus). The UDI was a sudden move and caused a big reaction from both the Greek Cypriots and the UN. In his later to the Secretary General, Denktash stated that the TRNC is going to assist in the reestablishment of the partnership of the two communities within a federal framework,⁷⁸ and he added that he “sincerely desired the continuation of Your Excellency’s mission of good offices”.⁷⁹ The UN’s reaction was made with the resolution 541 of 18 November 1983, which rejected the UDI and stated “it deplores the Declaration of the Turkish Cypriot authorities of the purported secession of the part of the Republic of Cyprus and it considers the Declaration referred above as legally invalid and calls for its withdrawal”; and also “calls upon all states not to recognise any Cypriot state other than the Republic of Cyprus”.⁸⁰ The Greek Cypriots commented on it saying that the UDI not only violated the sovereignty, territorial integrity and independence of Cyprus but also the UN Charter, the Helsinki Final Act and international law.⁸¹ Since the TRNC was not recognised by the international community, any legal document that it was producing would be a violation of international law.

1.2.3.6. The Proximity Talks

Therefore, it made it more difficult for the Secretary-General Perez de Cuellar to have his Initiative accepted by both communities. The Security Council had requested in a regular basis to “continue his mission of good-offices”.⁸² On 16 March 1984, Perez gave to both parties a five-point report, whereby he was stating ‘confidence-building measures, ideas for the development of a governmental structure and territorial adjustments’.⁸³ As a result, ‘proximity talks’ started in New York in September 1984 between Kyprianou and Denktash. This time there were three sets of rounds and Perez introduced a package of issues, including ‘a retreat of Turkish Cypriot territory down to 29 per cent of the island, there should be a

⁷⁷ For the text of the UDI see *UN Doc.A/38/586* and *S/16148*, 16 November 1983, appendices B and C.

⁷⁸ *Ibidem.*, Appendix A.

⁷⁹ *Ibidem.*

⁸⁰ *Ibidem.*, Appendix 4.

⁸¹ F. Mirbagheri, *op.cit.*, p. 129.

⁸² SC Resolution 510, 15 June 1982, the same in Res.526 and every six months afterwards.

⁸³ O. Richmond, *op.cit.*, p.138.

bizonal, bicomunal federation, with the withdrawal of the Turkish troops, a bicameral legislature and a Greek Cypriot president'.⁸⁴ Perez was working for the success of this plan for both sides to be able to come to a settlement and progress was seen in the front. Assistance from other powers, such as Britain, the US and the Soviet Union were seen as encouraging the UN effort. However, the summit failed again and this time it was Kyprianou, who "made it clear that he came to the summit to negotiate".⁸⁵ Denktash was relieved that he would not have to be stuck to his offer and he said that he would not make such concessions again.⁸⁶

1.2.3.7. The Draft Framework Agreement

One of the most important agreements of the 1980s was the Draft Framework Agreement of March 1986 under Perez presence. It managed to bring the new Greek Cypriot leader, George Vassiliou and Denktash together in 1988 in Geneva, which led into talks that year. However, this as well failed to bring an agreement between the two parties. Some main points were presented, such as the application of the three freedoms that have been discussed before, the withdrawal of Turkish forces and settlers and effective international guarantees.⁸⁷

1.2.4. From 1990 to July 2003

In the 1990s the situation over Cyprus changed and new actors emerged on the international scene. After the post-cold war era, there were new issues that emerged in the UN and the Security Council was free from the superpower politicisation of the past. There were many conflicts that had arose around the world, in Angola, Mozambique, Central America, Cambodia, Afghanistan, Namibia and especially in the period of 1990-1, the Gulf War. Regarding the issue of Cyprus, there was in July 1990 its application to the EU, which showed the prospect of its becoming a full member. In order to do so, there should have been some progress in the peacemaking and peacekeeping efforts. However, all the previous UN mediation efforts had led to a failure and all the plans and initiatives proposed in the previous years, did not lead to any success. It ended up looking like the UN was 'part of the problem

⁸⁴ Ibidem.

⁸⁵ M. Necatigil, op.cit., p.252.

⁸⁶ R.R. Denktash, op.cit., p.142.

⁸⁷ F. Mirbagheri, op.cit., p.137.

rather than the vehicle for a solution'.⁸⁸ As Richmond has mentioned "Perez de Cuellar's final 'set of ideas' focused on a bicomunal federal republic with some shared institutions and some separate, an agreement on territorial percentages and sensitive areas, the nature and delineation of boundaries, the distribution of federal positions, foreign forces, the return of displaced people and freedom of movement and safeguards against federal power".⁸⁹

But in the 1990s, under the auspices of Boutros Boutros-Ghali, there were further 'ideas' that came up, such as the Resolution 774, in 1992, which talked about the Council's expectation for progress. It still showed that there was not much progress made since there was a withdrawal or reduction of some UNFICYP contingents in the island,⁹⁰ which could have led to the collapse of the force.

1.2.4.1. The Boutros Boutros-Ghali report

As it is referred in the report of Boutros Boutros-Ghali, in July 1993, the set of ideas that he had come up with in November 1992 were mainly 'the rehabilitation of Varosha as a special area for bicomunal contact and commerce, the reopening of the Nicosia international airport for civilian use by both sides under UN supervision' and in the July report it was included 'the co-operation on the water problems in Cyprus, education to promote intercommunal harmony, and joint cultural and sporting events'.⁹¹ He explained in his report 'their purpose is to serve as a catalyst in the negotiations leading to a comprehensive, overall solution'.⁹² Moreover, there was acceptance from both sides of the capacity-building measures (CBMs) with the consideration of the UN Development Programme (UNDP), the International Monetary Fund (IMF), the World Bank and the International Civil Aviation Organisation (ICAO).⁹³ The Secretary-General showed confidence and said that both communities would benefit from their help and both sides accepted in principle.⁹⁴ His ideas, however, were rejected and he repeated in the annual report that 'the absence of agreement was due essentially to a lack of political will on the Turkish Cypriot side'.⁹⁵

⁸⁸ R. M. McDonald, *Cyprus: a peacekeeping paradigm*, in <<The World Today>>, vol. 49, no.10, October 1993, p. 182.

⁸⁹ O. Richmond, *op.cit.*, p.141.

⁹⁰ Report of the Secretary-General on the UN Operation in Cyprus, S/1994/1407, 12 December 1994, para.3.

⁹¹ B.Boutros-Ghali, *Report on the Work of the Organisation*, September 1993, para.392; as cited in O. Richmond, *op.cit.*, p.141.

⁹² *Ibidem*.

⁹³ Their reports were released in December 1993.

⁹⁴ B.B-Ghali, 'Building Peace and Development', para.494; as cited in O. Richmond, *op.cit.*, p.141.

⁹⁵ *Ibidem.*, para.496.

One can see that the members of the Council were not putting so much pressure on the two sides to accept an agreement. They had bilateral relationships, where they could profit the time but did not outweigh the sensitive political and security issues for a solution to the Cyprus problem. With the accession of Cyprus to the EU there were new elements that were coming in the surface and the issue had to be dealt with more attention in order to allow the full membership of the island.

1.2.4.2. The Kofi Annan plan

After the approach of Boutros Boutros-Ghali, which did not lead to much improvement of the situation, in 1997, his place was given to Kofi Annan. When Annan took office, in 1997, he had a given a first set of 'suggestions', which involved 'a process of negotiations, leading to the incremental construction of the juridical framework within which the Greek Cypriot and the Turkish Cypriot communities will forge a new partnership promote an increasingly fruitful convergence of views and positions, in a process which will acquire its own momentum and thus produce the kind of consensual trade-offs that a negotiation necessary involves'.⁹⁶ Between the negotiations of 1997 in Glion, Switzerland and 2002, the Turkish Cypriot leadership had rejected any direct negotiations.⁹⁷ In November 2002, Annan proposed a plan for the two communities to discuss upon before the December 2002 Copenhagen Council, which would invite the whole island to join the EU. On the basis of this, he has come up with his latest plan, which was revised in February 2003 and is still on the table for the two sides to start negotiations.

At this point, the latest plan proposed by the UN Secretary-General Kofi Annan, looks more adequate than any other plan in approaching to a solution. Nevertheless, as it was presented in this chapter, many proposals were ready to be signed but at the last moment there was no political will to conclude them and they failed. The facts and events that took place throughout the years indicate that the political circumstances were not the right ones for a plan to reach its aim. One can argue that the plans proposed before were not formulated as such in order to give time and opportunity to the two parties for negotiation.

⁹⁶ Secretary-General's press release, SG/SM/6282, 9 July 1997.

⁹⁷ Tocci, N., *Towards peace in Cyprus: Incentives and Disincentives*, in <<The Brown Journal of World Affairs>>, vol.5, Issue 1, 2003.

The recent Annan plan is the one that it is going to be analysed and examined in the next chapter. Some scholars believe that this plan could be a breakthrough and the reason for this is that the latest developments show that third parties, such as the EU, Turkey, Greece, and Britain want to use this plan as a basis for further negotiations and try to bring a feasible and long-lasting solution to the Cyprus issue.⁹⁸ At this point, it is difficult to say if this is another plan like the previous ones, which might end up in failure or whether it is going to be a breakthrough for concrete negotiations. It is something that needs space to be explored in the next chapter.

⁹⁸ See O.Richmond, *op.cit.*, p. 23

CHAPTER 2

AN ANALYSIS OF THE RECENT ANNAN PLAN AND THE HUMAN RIGHTS CASES IN CYPRUS

Throughout the years, there have been several proposals for a solution to the Cyprus problem by Secretary-Generals of the UN, starting with Mr. Waldheim, followed by Mr. Perez De Cuellar, Mr. Boutros Boutros-Ghali, and most recently Mr. Kofi Annan. As it was analysed in the previous chapter all these plans and initiatives did not lead to a solution but managed to prolong and extent the situation in Cyprus with the communities living apart. The new Secretary-General, Kofi Annan, who was appointed in 1997 to find a compromise for a settlement in the island, has come up with a new plan, which has been revised twice for both sides to accept it but is still left on the table for further negotiations. The aim of this chapter is to elaborate the dynamics of the plan in terms of the changing international framework, as well as the new set of ideas that it proposes. Subsequently their interrelatedness is going to be analysed together with its main principles. Moreover, I am going to examine the main issues that the plan is tackling, such as the property issue, the political and economic harmonization, powers and functions of a new government, as well as the institutional framework for a new partnership. In the second part of the chapter, it is going to be tackled the issue of human rights and the different cases that have come before the European Court of Human Rights (ECHR) in Strasbourg, which are still pending and judges are waiting for a political solution in order for the cases to be solved. The main question that one must think while reading this chapter is whether or not this plan could be used as a political rather than a legal tool for a solution to the human rights violations in Cyprus. All these issues are going to be tackled as this paper reveals itself.

2.1 Kofi Annan's proposal: A breakthrough or not?

Kofi Annan's proposal has been the most detailed and elaborate proposal by the UN. The Secretary-General's Special Advisor on Cyprus, Mr. Alvaro de Soto has been personally involved in the development of the UN plan. During 2002, he conducted meetings with the two leaders of the island, the Greek Cypriot President Glafcos Clerides and the Turkish Cypriot leader Rauf Denktash. In New York and Cyprus, more than 20 UN officials worked

on the plan for the creation of a bilateral, bizonal federation.⁹⁹ Moreover, Mr. de Soto made visits to Ankara to meet members of the Ministry of Foreign Affairs, the former Prime Minister of Turkey Abdullah Gul and the current Prime Minister Recep Tayyip Erdogan.

The Secretary-General submitted a comprehensive settlement proposal on 11 November 2002, a first revision was made on 10 December 2002 and a second on 26 February 2003, which is the one referred in this paper. The plan, entitled “Basis for a Comprehensive Settlement of the Cyprus Problem”, required a referendum in advance on 16 April 2003 to approve it and reunify Cyprus. However, in The Hague, on 10 March of the same year, the Secretary General acknowledged that the negotiating parties failed to achieve in an agreement and submit the UN plan to separate referendum for approval. Tassos Papadopoulos, the new President of the RoC answered that he was prepared to do so, as long as the people knew what they were being asked to vote on. To that end, he wished to be sure that the gaps regarding federal legislation as well as constituent state constitutions would be filled. Considerably more time was needed than was available for a proper public campaign on the referendum to be carried out.¹⁰⁰ Denktash stated that he was not prepared to agree to put the plan to referendum. He said he had fundamental objections to the plan on basic points. He believed that further negotiations were only likely to be successful if they began from a new starting point and if the parties agreed on basic principles.¹⁰¹ He added, “Turkey was in any case not in a position to sign the statement requested of the guarantors because it required the authorization of the parliament”.¹⁰² The Guardian wrote, “Denktash opposed Annan’s plan primarily because it ruled out recognising his breakaway Turkish Cypriot state while providing for Greek Cypriot refugees to return to Turkish Cypriot-controlled areas”.¹⁰³ But Annan said in his report “I was never able to convince Mr. Denktash that the ‘realities’ of the Cyprus problem are not only the realities on the ground, but the realities of international law and international politics”.¹⁰⁴ Moreover, he stated that his plan is “on the table for the Greek Cypriots and the Turkish Cypriots to pick it up and carry it forward to a solution”¹⁰⁵ and he was ready to assist them. All these statements were made in a time crucial for the Cyprus problem, but solution was not made due to the lack of political will.

⁹⁹ G. Vasiliou, *Cypriot accession to the EU and the solution to the Cyprus Problem*, in <<*The Brown Journal of World Affairs*>>, vol.10, issue 1, 2003, pp. 213-221.

¹⁰⁰ Press Release SG/SM/8630, *Secretary-General says ‘end of road’ reached concerning current Cyprus talks, but plan on the table*, United Nations, 11 March 2003.

¹⁰¹ Ibidem.

¹⁰² Ibidem.

¹⁰³ The Guardian, *Kofi Annan Sounds Off on Cyprus Talks*, Sunday 6 April 2003.

¹⁰⁴ Ibidem.

¹⁰⁵ Ibidem.

For the United Nations, it is a matter of regret that the Greek Cypriots and the Turkish Cypriots were denied the opportunity to accept the plan that would have enabled them the reunification of Cyprus through a balanced and durable settlement protecting and guaranteeing the interests and rights of both sides. It is important to see what are the main principles and proposals of the final Annan plan, which was submitted in February 2003.

The plan endorsed many principles according to the Swiss constitution as well as the Belgian federal constitution. It also endorsed the Belgian mode of representation allowed under Article 146 of the Treaty of the EU.¹⁰⁶ The plan's preamble explicitly states: "component states shall participate in the formulation and implementation of policy in external and EU relations on matters within their sphere of competence in accordance with Cooperation agreements modelled on the Belgian example".¹⁰⁷ According to the Swiss principle, the main functions of the federal government would be external relations, relations with the EU, Central Bank functions, federal finances, communications, aviation, citizenship and natural resources including water.¹⁰⁸ Moreover, tourism, protection of the environment, the use and conservation of energy, fisheries and agriculture, industry and commerce, zoning and planning, education and sports, health and social security would be essential competences of the two component states.

The federal government of the component states would be 'a rotating presidency, a presidential Council consisting of six members, elected by the Parliament for a fixed five-year term on a single list by special majority'. Moreover, 'four members of the Presidential Council would be Greek Cypriots and two Turkish Cypriots'. All members would be equal and each member would fulfil the function of the presidency for a period of 10 months. There would be a Supreme Court, which would uphold the Constitution. The Court would comprise of an equal number of judges from each constituent state and three non-Cypriot judges. The Supreme Court would resolve disputes between the constituent states or between the states and the federal government. As in the 1960 Constitution, no vetoes are included but a special majority would be required with only 40 per cent of each side.¹⁰⁹

¹⁰⁶ N. Tocci, *Towards Peace in Cyprus...*, cit., p. 208.

¹⁰⁷ For a discussion of the workings of this system see M. Emerson, N. Tocci, *Cyprus as Lighthouse of the Eastern Mediterranean*, in <<Centre for European Policy Studies (CEPS)>>, Brussels, 2002.

¹⁰⁸ N. Tocci., *Towards Peace in Cyprus...*, cit., p.209.

¹⁰⁹ Ibidem.

The plan proposes the establishment of a new state of affairs in Cyprus with the creation of a United Cyprus Republic, which would be an independent state with a federal government and two constituent states, the Greek Cypriot state and the Turkish Cypriot State. The plan calls for a single Cypriot citizenship as well as internal constituent state citizenships, which would not replace the Cypriot one.¹¹⁰ As far as territory is concerned, there is a reduction of the northern zone to approximately 28.2 per cent of the land to the Turkish Cypriot federated state and the remaining 71.8 per cent to the Greek Cypriot state. In this plan, it was included the transfer of approximately half of the territory of the British sovereign bases to the Greek Cypriot state. In addition to this plan, there would be a return of around 90,000 Greek Cypriot refugees to their properties under Greek Cypriot administration; another 50,000 would be able to go back into the Turkish Cypriot federated state over a period of 15 years.¹¹¹ While freedom of residence and property would be thus restricted, freedom of movement would be fully liberalised.¹¹² Moreover, under this plan, around 50,000 to 60,000 Turkish settlers would be required to leave Cyprus while the other half would either obtain citizenship or be permitted to get permanent residence on the island.¹¹³

As for security, there would be a federal police force and forces into the two component states. The Treaty of Alliance requires that Greek and Turkish contingents will be reduced to 6,000, a number that is going to be checked again in 2010 and would reduce to a complete demilitarisation of the island as soon as Turkey joins the EU.¹¹⁴ The UN peacekeeping operation will remain in the island, empowered by a new mandate, which will monitor the implementation of the agreement.

In the economic sphere, Cyprus would apply the rules of the EU-Turkey customs union. The plan also attempts to retain a balance in the spheres of property acquisition, residence and movement of persons, proposing an effective permanent derogation concerning the freedom of EU nationals to reside and acquire property in Cyprus.¹¹⁵

The overall plan is very detailed and consists of five appendices, a Foundation Agreement, an outline of the Constitution of Cyprus, the main constitutional and federal laws, a list of

¹¹⁰ UN Secretary General, *Basis for an Agreement on a Comprehensive Settlement of the Cyprus Problem*, second draft, 26 November 2002, p.19.

¹¹¹ *Ibidem*.

¹¹² *Ibidem*.

¹¹³ *Ibidem*.

¹¹⁴ N. Tocci, *Towards Peace in Cyprus...*, cit., p. 209.

¹¹⁵ UN Secretary General, *Basis for an Agreement...*, cit., Appendix E.

international treaties binding on the United Cyprus Republic, maps with the territorial arrangements, the treatment of properties, a calendar of implementation and so on.

New factors though emerged by late 2001, which created willingness for a new agreement. Many of these factors were related to new developments that took place in northern Cyprus and Turkey, such as the position of the pro-Islamist Justice and Development party (AKP) as the former government in Ankara and the increasing visibility of the Turkish Cypriot public's support for a resettlement.¹¹⁶ Moreover, in the southern Cyprus a settlement after membership would have to wait until Turkey was going to access as well, showed that immediate territorial and security gains would be secured in the island and that also generated greater incentives for a settlement. The role of Greece was important as well because it provided the RoC government with the necessary backing of possible accusations against the Greek Cypriot opposition. Third parties were involved such as the UN's role with the British Foreign Office, which presented a comprehensive settlement plan, which neither side could easily dismiss. However, the EU enlargement process was used by both US and UK mediators to formulate the plan, which tackled with the basic needs of all principal parties and maximises the reasons to reach a more possible agreement.¹¹⁷

2.2 The Human Rights violations in Cyprus

The Cyprus issue is a flagrant case of continued mass violations of basic human rights and freedoms, mainly by Turkey, in breach of the purposes and principles of the UN Charter and major international instruments in the field of human rights and fundamental freedoms. Numerous resolutions and decisions of the UN including those of the General Assembly, the Security Council, the Commission on Human Rights, the Sub-Commission on the Prevention of Discrimination and Protection of Minorities and the Committee on the Elimination of Racial Discrimination have been adopted over these 24 years concerning all aspects of violations of human rights in Cyprus. The Annan plan analysed above, incorporates different issues of human rights, such as property rights, the return of the settlers, the issue of the missing persons and so on. In this part of the analysis, it is going to be examined the way the European Commission on Human Rights deals with the different human rights violations and whether it has concluded with a just solution.

¹¹⁶ Barkey, H., *Cyprus: Between Ankara and a Hard Place*, in <<The Brown Journal of World Affairs>>, vol.10, issue 1, 2003, p. 231.

¹¹⁷ N. Tocci, *Towards Peace in Cyprus...*, cit., p. 208.

2.2.1 The European Commission on Human Rights and the Cyprus cases.

The Commission of Human Rights of the Council of Europe, an impartial judicial institution, having examined the four resources of the Cyprus Government against Turkey for multiple violations of the European Convention of Human Rights¹¹⁸ in its reports had concluded that Turkey is guilty of gross violations of human rights in Cyprus from 1974 onwards and especially under the articles 1,2,3,5,8,9,10 and 13 of the European Convention of Human Rights and by the Articles 1 and 2 of the 1st Protocol to the European Convention of Human Rights.¹¹⁹ It would be important to see case-by-case how the European Commission and Court of Human Rights deal with these cases that came before it and examine the reason why these cases are still pending.

2.2.1.1 Greece v. The United Kingdom

In 1957, 'the provisions of the European Convention on Human Rights were invoked by Greece against the United Kingdom, concerning violations of the Convention in Cyprus'.¹²⁰ In the first Cyprus case, there was a series of emergency laws and regulations introduced in Cyprus by the United Kingdom, which were incompatible with the Convention. In the second Cyprus case, there were 49 cases of 'torture or maltreatment amounting to torture', which took place in Cyprus and the British government was then allegedly responsible for those.¹²¹ After the London and Zurich Agreements, the proceedings were terminated at a joint request by the Greek and British government. In 1959, the European Commission was conscious about the intercommunal problem in Cyprus and this is referred in the Commission's report of 8 July 1959 in respect of the second application by Greece against the United Kingdom¹²² stating:

...the Commission in the conclusion to that Report stressed that the full enjoyment of human rights in Cyprus was closely connected with the solution of the political problems relating to the constitutional status of the island.

¹¹⁸ See Applications 6780/74, 6950/75, 8007/77 and 25781/1994 of the Council of Europe, European Court of Human Rights (ECHR).

¹¹⁹ Ibidem.

¹²⁰ Quoted by M. Necatigil, *The Cyprus Question and the Turkish position in international law*, Oxford, Oxford University Press, 1989, p. 140; See also in resources Nos. 176/56 and 299/57, ECHR, 1957.

¹²¹ The two Greek applications to the European Commission of Human Rights are described also in <<Yearbook 2 of the European Convention of Human Rights>>,1960, pp.174-199.

¹²² See application No.299/57, ECHR, 1957.

*...the Commission need only add that it holds the view as strongly as when it drew up its Report on Application 176/56 that the achievement of a final settlement of the political problem is of the highest importance for securing the restoration of full and unfettered enjoyment of human rights and fundamental freedoms in Cyprus.*¹²³

However, there was a political agreement that was reached during these proceedings with the London and Zurich Agreements of 1959. Therefore the proceedings were finalised from the request of both Greece and the United Kingdom.¹²⁴

2.2.1.2 Cyprus v. Turkey

This case was lodged in the ECHR after the Turkish invasion of 1974, whereby the Greek Cypriot administration sent the first application to the Court on 19 September 1974¹²⁵ and on 21 March 1975 a second application against Turkey.¹²⁶ The respondent government, during the hearing on the admissibility of these applications argued that “under the 1960 Constitution the Greek Cypriot administration was not entitled to bring these applications on behalf of the Cyprus government”.¹²⁷ The European Commission rejected this argument on the fact that the applicant government was recognised as the government of Cyprus universally.

Moreover, it added that the rights and freedoms guaranteed under the 1960 Constitution should not be impaired by any ‘constitutional defect’ and therefore, the Commission failed to deal with fundamental constitutional issues that had been raised. The fact of ‘constitutional defect’ was important because it had to deal with a party which was holding the powers of state unilaterally and in violation of international agreements such as the Treaty of Guarantee, whereby the Republic of Cyprus had undertaken to preserve its status quo and not to change the basic elements of its Constitution.¹²⁸ Therefore, the Commission declared the applications 6780/74 and 6950/75 admissible. There were 14 violations of the European Convention on Human Rights mainly on issues, such as Greek Cypriot missing persons and their relatives (Art.2, 3,5), home and property of displaced persons (Art. 8, 1 of Protocol No.1, 13), living conditions of Greek Cypriots in Karpas region of northern (Art. 3,8,9,10,13, 1 and 2 of Protocol No.1), rights of Turkish Cypriots in northern Cyprus (Art.6).

¹²³ Ibidem., 181.

¹²⁴ M. Necatigil, op. cit., p.140.

¹²⁵ Ibidem., p. 141; see also the application No.6780/74, ECHR, 1974.

¹²⁶ Ibid., p. 141; see also the application No.6950/75, ECHR, 1975.

¹²⁷ Decisions and Reports, 2 December 1975, ECHR, pp. 125-138.

¹²⁸ M. Necatigil, op.cit., p.141.

However, the RoC said to the Court that the TRNC is an illegal entity and not recognised under international law as a state. On the other hand, Turkey stated ‘the TRNC is a democratic and constitutional state which is politically independent of all other sovereign states, including Turkey’.¹²⁹ Therefore, Turkey stated that the allegations were imputable exclusively to the TRNC and that Turkey could not be accountable under the Convention for the acts or omissions of other states.¹³⁰

Moreover, Turkey did not appear before the European Commission at these applications, which followed the decision on admissibility. This was due to the fact that the government of Turkey does not recognise the Cypriot administration as the legal government of Cyprus. In fact, the recognition is essential for the implementation of the treaties and the European Convention of Human Rights require all the parties to have active and direct relations between them because its procedural machinery requires the endeavour to reach a friendly settlement.¹³¹

The problems in this case were mainly political, focusing on the non-recognition of the Republic of Cyprus by the Turkish government. The Commission, however, continued its Report in the absence of the respondent government. In this case, the Commission argued in its Report of 10 July 1976 that in such a situation it should, like other judicial organs, such as the European Court of Human Rights and International Court of Justice, proceed with the investigation of the complaints in the absence of the respondent government.¹³² ‘The Commission is neither a court, nor a judicial tribunal and it acts mainly as an investigating body with quasi-judicial powers’.¹³³ Another important aspect is that the investigating delegates sent to Cyprus, visited only the Greek part of the island. This is acknowledged by the Commission and it is mentioned on paragraph 82 of the Report, which says ‘a full investigation of all the facts has not been possible’.

On 10 July 1976, in its Report the Commission has found that there have been cases of deprivation of life, contrary to article 2 of the Convention, cases of ill treatment, contrary to Article 3, confinement and detention of military personnel and civilians, contrary to Article 5

¹²⁹ See <http://www.hr-action.org/archive4/eurocourt1.html>.

¹³⁰ *Ibidem*.

¹³¹ Article 28 and 30 of the European Convention on Human Rights and Rule 39 of Rules of Procedure.

¹³² See Report of the Commission, i.21. In their separate opinions Mr. E. Busuttil and Mr. B. Daver were of the opinion that the Commission is not empowered to enter a judgement by default (184 and 189 respectively).

¹³³ M. Necatigil, *op.cit.*, p.143.

and deprivation of possessions contrary to Article 1 of Protocol No.1 for which the respondent state was responsible. Moreover, the non-allowance of 170,000 Greek Cypriot refugees to turn to their homes and consequent separation of their families violated Article 8 of the Convention.¹³⁴

All these violations occurred in a situation of an armed conflict but the respondent government answered that there was an intervention made in 1974 in the wake of a *coup d'état* which put an end to the last remnants of constitutional order in Cyprus and was based on the Treaty of Guarantee that was concluded between the United Kingdom, Greece and Turkey. Under Article 15 of the Convention, in the event of an emergency, a High Contracting Party may take measures derogating from its obligations under the Convention to the extent required by the exigencies of the situation. Therefore, the Commission decided that Article 15 of the Convention is not applicable in respect of measures taken by Turkey with regard to persons or property in the north of Cyprus.¹³⁵ The Committee of Ministers decided on the matter on 21 October 1977 but there was a strong criticism on the matter by the Greek Cypriot side that there was no blame on the one side and that there was no outright condemnation of Turkey for its alleged violations of human rights in Cyprus.¹³⁶ Therefore, the Council of Ministers took the decision on 20 January 1979 to remove the case from its agenda and decided to declassify it on 3 August 1979.¹³⁷

A fresh application of *Cyprus v. Turkey* took place filled with the European Commission of Human Rights on 10 July 1978 and was declared admissible.¹³⁸ There were new developments by the respondent state that took place during that three-year period that the Commission had to examine. The Turkish Federated State of Cyprus exercised at all material times, at least a *de facto* exclusive authority in the north of Cyprus. The Legislative Assembly of the Federated State had enacted laws relating to property rights about which the applicant government was complaining. However, Turkey was not held responsible for the acts of the Turkish Federated State. The Commission was aware of the Geneva Declaration of 30 July 1974 that was signed by the three guaranteeing powers, Turkey, Greece and the UK but dealt with the issue that the Turkish Federated State 'cannot be regarded as an entity which exercises "jurisdiction", within the meaning of Article 1 of the Convention over any part of

¹³⁴ Press Release, Human Rights Action, *Judgement in the case of Cyprus v. Turkey*, 10 May 2001.

¹³⁵ Report, vol.i, para.528.

¹³⁶ See article by Greek Professor G.Siotis, *Un camouflet pour la Commission Européenne*, in *Le Monde*, which alleges that the Committee of Ministers evaded the issue of alleged violations of human rights in Cyprus.

¹³⁷ Resolution No. DH(79)I of the Committee of Ministers of the Council of Europe adopted on 17 January 1979.

¹³⁸ See ECHR, Application No. 8007/77, 1977.

Cyprus'.¹³⁹ Moreover, on admissibility, the Commission decided that as in the previous application, an inter-state application cannot be declared inadmissible and the fact that the previous application was still pending before the Committee of Ministers did not prevent it from examining another application with related facts.¹⁴⁰ Turkey did not take participation in the proceeding for the same reasons as of the previous application but submitted memorials on 1 September 1986 and 16 April 1987, where there were observations made by the Turkish Republic of Northern Cyprus. The report was submitted to the Committee of the Ministers on 4 October 1983 and the decision on 2 April 1992 by the Committee of Delegates was to make public the report and that completed the case.¹⁴¹ A fourth application was filed by Cyprus against Turkey, which was declared admissible on 7 September 1996.¹⁴² However, the case is still pending before the Court due to the delay of a political settlement in the island.

2.2.1.3 Individual petitions against Turkey

The Government of Turkey recognised the right of individual petition under the Article 25 of the European Convention for the period of 3 years from the 28 January 1987 and more specifically it stated:

*The recognition of the right to petition extends only to allegations concerning acts or omissions of public authorities in Turkey performed within the boundaries of the territory to which the Constitution of the Republic of Turkey is applicable.*¹⁴³

Therefore there were three applications filed to the European Commission, which arose out of the incidents that took place on 19 July 1989.¹⁴⁴ The UN Secretary-General reported “following violent demonstrations in the UN buffer zone in November 1988 the Greek Cypriot Government had given assurances that it would in future do everything necessary to ensure respect for the buffer zone”.¹⁴⁵ Nevertheless the Secretary-General had to report that on 19th March 1989 “an estimated 2000 women crossed the buffer zone at Lymbia and some managed to cross the Turkish forces line. A large number of Turkish Cypriot women arrived

¹³⁹ Decisions and Reports 13, (July 1978), 85, the Law, para.24 at p.150.

¹⁴⁰ Ibidem., the Law, Para. 47-50 and 51-7, pp.154-6.

¹⁴¹ 473rd meeting. The Committee did not know make any comments on the Commission’s report, which had found Turkey in violation of the Convention.

¹⁴² See Application No.25781/94, ECHR, Strasbourg, 1994.

¹⁴³ M. Necatigil, op.cit.,p. 147.

¹⁴⁴ See Application Nos. 15299/89 (*Chrysostomos, Bishop of Kitium v. Turkey*), 15300/89 (*Papachrysostomou v. Turkey*) and 15318/89 (*Loizidou v. Turkey*), ECHR, Strasbourg, 1989

¹⁴⁵ See *UN Doc. S/20663* on 31 May 1989.

shortly and mounted a counter-demonstration, remaining on their side of the line. Unarmed Turkish soldiers opposed the demonstrators and largely to the manner in which they and the Turkish Cypriot police dealt with the situation, the demonstration passed without serious incident. Altogether 54 demonstrators were arrested by the Turkish Cypriot police in the two locations, they were released to UNFICYP later the same day”.¹⁴⁶ However, the European Commission on Human Rights found that the demonstration constituted a serious threat to peace and public order on the demarcation line in Cyprus.¹⁴⁷

On July 1989, another demonstration took place in Nicosia under a Greek Cypriot movement called “Women’s Pancyprian Movement” with the banner “Return”, where Greek demonstrators passed the ‘green line’ at the Ayios Kassianos of Nicosia, violating the UN buffer zone. The UNFICYP observation post was destroyed and the UN flag, which was flying on it.¹⁴⁸ The UNFICYP soldiers tried to hold the crowd back but the Greek Cypriots were protesting that there are no borders in Cyprus. The Turkish Cypriot police found it as a provocative act and arrested 108 Greek Cypriots, most of them women.¹⁴⁹ The applicants were among those arrested. The detainees were tried by the Turkish Cypriot courts for offences and were punished under the laws of the Turkish Republic of Northern Cyprus and some were convicted to a short-term imprisonment. The accused stated that they do not recognise the courts of a ‘pseudo state’.

The Commission decided on 4 March 1991 to declare the applications of *Chrysostomos and Papachrysostomou* admissible and the *Loizidou* case partly admissible, without having analysed the basic facts and issues raised before but it referred to its earlier jurisprudence in support of its decision.¹⁵⁰ The government of Turkey, after sending a memorandum to the Commission stated “the government of the Turkish Republic of Northern Cyprus is the only government concerned in matters of alleged violations of fundamental rights in its territory”.¹⁵¹ After this, Turkey sustained from participating in any other proceedings relevant to the applications that were put forward. However, the Committee of Ministers ‘urged Turkey to meet its obligations under the Convention and accordingly to participate in the

¹⁴⁶ UN Secretary General’s Report to the Security Council S/20663 of 31 May 1989.

¹⁴⁷ See ECHR, Case 15318/89.

¹⁴⁸ UN Secretary General’s Report to the Security Council S/21010 of 7 December 1989.

¹⁴⁹ Ibidem.

¹⁵⁰ Application Nos. 6780/74 and 6950/75 (Decisions and Reports 2 (Dec.1975), 125-138) and application Nos. 8007/77 (Decisions and Reports 13 (July 1978)).

¹⁵¹ Necatigil, op.cit., p.149.

Commission's examination of the merits'. Turkey accepted and participated in further proceedings.¹⁵²

The Commission continued filing applications from individuals, Greek Cypriots against Turkey, insisting that Turkey has continued violating their right to return home. However, this is a political dimension in accomplishing the full enjoyment of such rights depending on the solution that meant to be found by the Cyprus problem. In the case of *Chrysostomos* and *Papachrysostomou*, the Commission decided that the applicants' arrest and detention were in accordance with domestic law that exists in the Turkish Republic of Northern Cyprus.¹⁵³ Moreover, in the *Loizidou* case, the Court decided by majority that "prevention of the applicant from crossing the ceasefire line and entering into the Turkish sector of Cyprus during demonstration, proclaiming the right of Greek Cypriots to 'return home' in north Cyprus, amounted to violation of her right to possessions".¹⁵⁴ Therefore, the Court refused to give effect to constitutional provisions in the Turkish Republic of Northern Cyprus relating to expropriation of applicant's property and rejected Turkey's objection as to responsibility.

That is also the view taken by the Commission, which noted: "the applicant, who was arrested after having crossed the buffer zone in Cyprus in the course of a demonstration, claims the right freely to move on the island of Cyprus, irrespective of the buffer zone and its control, and bases this claim on the statement that she owns property in the north of Cyprus". The report continued: "The Commission acknowledges that limitations of the freedom of movement whether resulting from a person's deprivation of liberty or from the status of a particular area may indirectly affect other matters, such as access to property. But this does not mean that a deprivation of liberty interferes with the right protected by Article 1 of Protocol No.1". In other words, it does not mean that the right to peaceful enjoyment of one's possessions does not include the right to freedom of movement. Therefore, the Commission decided that there is no violation of Article 1 of Protocol No.1 to the Convention.¹⁵⁵ The perversity of the *Loizidou* case is that Turkey, being the only one of the three guarantor powers to discharge its treaty obligations in 1974, is now exposed to the payment of millions

¹⁵² Ibidem., p.149.

¹⁵³ Report of the Commission in *Chrysostomos*, of 8 July 1993, ECHR, paras.148, 149, 168 and 169.

¹⁵⁴ Judgement of the ECHR in the *Loizidou* case, in the <<Journal for Cypriot Studies>>, Eastern Mediterranean University, Vol.3 (1997), No.2, pp.147-71.

¹⁵⁵ Ibidem.; see also the Commission's report on the application of *Loizidou v. Turkey*, ECHR, paras. 97, 98 and 101.

of dollars in compensation to Greek Cypriots, since the TRNC is not recognised by the international community as a legitimate state.¹⁵⁶

2.3 The issue of the Missing Persons

As a result of the 1974 invasion, the Greek Cypriots complain that 200,000 Greek Cypriots have been displaced in the Northern part of Cyprus and 1,600 Greek Cypriots are missing.¹⁵⁷ The question of the displaced persons was first time brought forward in the intercommunal talks at Vienna between 31 July and 2 August 1975, where the two sides agreed on regrouping the populations in their own respective territory, the Turkish Cypriots in the North and the Greek Cypriots in the South. Turkish Cypriots refer to the statement taken by the Greek Cypriot priest, Rev. Papatsestos, the Greek Orthodox priest, who was in charged of the Nicosia cemetery who disclosed how the dead people were brought to him in lorries during the coup and were buried in common graves without identification.¹⁵⁸ The Turkish Cypriots refer to their missing persons starting with the attacks between 1964-1974 and especially in 1974 buried in mass graves in Aloa and Sandallaris.

Regarding the issue of the missing persons, there has been established a Committee on Missing Persons, by the UN in 1981, comprising a Turkish Cypriot, a Greek Cypriot and a Swiss member appointed by the UN Secretary General and designating by the International Committee of the Red Cross, which has been examining the files of missing persons. Due to disagreements over procedural rules and workable criteria, the Committee did not start its work until May 1984. The role of the Committee is that “its deliberations are confidential, it must act by the unanimous agreement of the three Members, is a purely humanitarian organ, and bases its work on the files and documents submitted by each side on their own missing persons, and the testimony of the witnesses interviewed by the investigative teams”.¹⁵⁹ The submission of the names was slow. By 22 November 1993, there were 210 cases of missing

¹⁵⁶ See Turkish Ministry of Foreign Affairs, *The Loizidou case, a Dead End*, M. Stephen, <http://mfa.gov.tr/grupe/en/04.htm>.

¹⁵⁷ Riesen and Muller Report to the Parliamentary Assembly of the Council of Europe on national refugees and missing persons in Cyprus, Doc. 5716 of 7 April 1987, estimates the Greek Cypriot missing persons as 1,600 and Turkish Cypriot missing persons as 800 (para.92).

¹⁵⁸ His disclosures appeared in the newspaper ‘Ta NEA’ of Athens and were reproduced by local newspapers on 28 February 1976.

¹⁵⁹ O. Richmond, op.cit., p.218.

persons submitted by the Greek Cypriot side and only 318 cases by the Turkish Cypriot side.¹⁶⁰

The ECHR, in its judgement on 10 May 2001, found Turkey guilty for its failure to account for the fate of the missing persons and its refusal to carry out an effective investigation. The two leaders, President Clerides and Mr. Denktash agreed to resume talks for the determination of the fate of the missing persons. They held a meeting on 11 January 2002 where they agreed to exchange information on the fate of the missing people, in priority of those missing in action. At the end of July 2002, the two leaders talked about the issue once more but there was no concrete outcome to it.

The problem of missing persons has been politicised and the humanitarian issue on that has disappeared. The issue of the missing persons with the property issue the right of movement and settlement are the ‘three freedoms’, often called by different scholars which are still to be resolved depending on the political solution that has to be found for Cyprus.

2.4 Prisoners of War

There were prisoners of war taken by the Turkish Army to Turkish prisons, who were visited by the Red Cross and then repatriated on 8 August 1974, 16 September 1974 and 28 October 1975 under international supervision. However, there were still some allegations made of ‘sightings’ of Greeks or Greek Cypriots in Turkey and photographs were reproduced but no evidence was found. On 17 April 1991, the US Ambassador Ledsky told the Senate Foreign Relations Committee “The US Ambassador to Turkey has looked into all of these allegations and found that there was no substance. The Turkish government was cooperative and the Turkish and US governments worked together on this. The subject has been exhausted and we have not even heard an allegation in two years”.¹⁶¹ Therefore, the US Ambassador Ledsky confirmed on 5 March 1996 that there has been no evidence showing that any prisoners of war were alive.

2.5 Settlers

The question of settlers was brought up by the Greek Cypriot authorities, claiming that there are 50,000 mainland Turkish settlers in northern Cyprus who were deliberately implanted in

¹⁶⁰ Report of Secretary General, S/26777, 22 November 1993, p.21, para. 88.

¹⁶¹ M. Stephen, op.cit., p. 55.

the country in order to 'Turkify' the area. On the other hand, the Turkish Cypriots authorities insist that after the 1974 invasion there were new vacancies arose by the new economic activity that took place on those years and required new manpower. The Turkish Cypriots say that the number of settlers is about 17,000. The Foreign Affairs Committee of the House of Commons in their report of 7 May 1987, say that foreign observers, including the British government, estimate the Turkish settlers to be around 35,000.¹⁶² The demographic structure of Cyprus is said by the Turkish Cypriots to have changed by the Greek Cypriots as well. After 1963 Greek mainland troops had been imported into Cyprus and given 'legal status' in order to resettle them in the island on a permanent basis.¹⁶³

In view of the above, it has to be admitted that the application of human rights in Cyprus rest on a final settlement of the Cyprus question. The Annan plan incorporates the issue of the human rights, such as the property rights, the issue of the missing persons and the return of the settlers back to Turkey. Moreover, it attempts to bring a compromise for both communities in Cyprus in order to fulfil the full enjoyment and protection of their rights.

Until a final solution takes place, the two communities will have to look at their own authorities for protection and respect of their rights. It is important to take into consideration in this paper that certain rights of the Turkish Cypriots are not dealt internationally due to the non-recognition of their state. The courts that have been established in the TRNC are not recognised officially by the international community. Their right to nationality (Article 25 of the Universal Convention) is made ineffective since Turkish Cypriots passports are not recognised, which makes travel abroad impossible. The right to seek, receive and impart information (Article 19 of the Declaration) is hampered by the refusal of the International Postal Union to deliver any mail addressed to the Turkish Republic of Northern Cyprus. The right to take part in the cultural life of the international community (Article 27 of the Declaration) is imposed upon athletic and sportive activities outside the territory. Last but not least, the Turkish Cypriots cannot be heard before international court and cannot seek justice before international instances.¹⁶⁴ Therefore they cannot participate in the European Human Rights organs.

¹⁶² Para. 49. The Cucó Report adopted on 7 October 1992 by the Parliamentary Assembly of the Council of Europe estimates that the number of Turkish settlers is around 25,057 (Doc. 6589, para. 105).

¹⁶³ A. Papandreou, *Democracy at Gunpoint*, London, Doubleday, 1970 and Reports of the UN Secretary General Nos. S/5950 of 10 Sept. 1964 and S/8322 of 3 Jan. 1968, para.25.

¹⁶⁴ M. Stephen, op. cit., p.87.

By concluding this chapter, it is a controversial issue to consider the Annan plan being used as a political solution rather than a legal one for the solution of the human rights violations in Cyprus. In my opinion, it could be used as a political instrument in order to bring peace and security in the island as well as a legal instrument for providing the basis for the full enjoyment of the Cypriots' rights. However, until a final settlement is reached, it is not possible to speak about the 'three freedoms' of movement, settlement and right to property to be enjoyed *abstracto* throughout Cyprus irrespective of the location.

CHAPTER 3

A comparative approach to the Annan plan and its effect to the international community

3.1. A COMPARISON OF THE 1960 CONSTITUTION AND THE ANNAN PLAN

This chapter is aiming at enhancing the main differences between the 1960 agreements and the Annan plan explained in the previous chapter. It is important to identify why the 1960 Constitution could not function under the circumstances that were given at that time, why it was signed by both sides, the Greek Cypriots and Turkish Cypriots, when no one respected it at the end. It is going to be given a comparison between the Constitution of 1960 and the Annan plan that has been the latest from the UN in trying to mediate in Cyprus and give a feasible solution. There have been some changes in the latest plan, which allow the two parties in gaining a fairer settlement.

By 1959 there were two factors that called for urgent action on Cyprus. Firstly, the internationalisation of the problem meant possible involvement of the Soviet Union and a worrying prospect for the West, mainly the United States. Secondly, the increasing number of killings in Cyprus had reached at least hundreds. Therefore, an initial agreement took place in Zurich in 1959 and a final agreement was signed by Greece and Turkey on 19 February 1959 at Lancaster House in London.¹⁶⁵ The political leaders of the two communities, Makarios and Küçük, who were not allowed to participate in the negotiations but had to wait outside for the final results, signed the agreement. The treaties that laid down the foundation of the political structure of the new state were: the Treaty of Establishment, the Treaty of Alliance, the Treaty of Guarantee, and the agreement on the basic structure of the RoC which contained the key provisions of the constitution which was drafted later. The treaties and the constitution were signed on 16 August 1960 in Nicosia and went into effect immediately.¹⁶⁶

The negotiations in Zurich and London were long and difficult, but there was a common compromise by all participants: Greece, Turkey, Britain, the Turkish Cypriots and the Greek

¹⁶⁵ F. Mirbagheri, *op.cit.*, p.15.

¹⁶⁶ For extensive analysis of the legal and political aspects and consequences of the 1960 founding treaties see R.S.J.Macdonald, *International Law and the Conflict in Cyprus*, in <<The Canadian Yearbook of International Law>>, vol. 29, 1981, pp. 3-49.

Cypriots.¹⁶⁷ As it was agreed by them, the new state would independent 'be a bi-communal Republic with a single territory but a unique Constitution which embodied an agreed political partnership between Greek and Turkish Cypriots and which prohibited the political or economic union of Cyprus with any other State'.¹⁶⁸

3.1.1 The Constitution of 1960

The independence constitution was formulated for the republic to function with the formation of judicial, legislative and executive powers. The Constitution was consisting of political, legal, administrative and military means. 'The House of Representatives was going to have thirty-five Greek and fifteen Turkish members, elected by the Greek and Turkish members respectively. For a bill to become law, a separate majority of the representatives of both communities was necessary. There was going to be 70 per cent Greek Cypriots and 30 per cent Turkish Cypriots for the cabinet, civil service and judiciary, whereas for the armed forces a 60:40 ratio was required. Since 1958 there were separate municipalities functioning in the major cities and were legitimised with the Constitution. Concerning the legislative and administrative power there were going to be two separate chambers that would exercise on religious, educational and cultural matters, as well as matters of personal status such as the imposition of taxes to finance institutions controlled by each community'. Lastly, the President was going to be a Greek-Cypriot national and the Vice-President a Turkish-Cypriot one who both were going to be elected by members of their community. Laws in the House were passed by simple majority, except in the case of 'any modification of the Electoral Law and the adoption of any law relating to the municipalities and of any law imposing taxes or duties',¹⁶⁹ where a separate simple majority was required.

As far as the Treaty of Establishment, it was aiming at safeguarding British military interests in Cyprus and it provided two sovereign British military bases of 99 square miles (256 square km), one in the south at Akrotiri and one in the border between north and south at Dekelia. Some small areas of land were aimed for British use like the electronic intelligence station on the Troodos mountains.¹⁷⁰

¹⁶⁷ M. Stephen, op.cit., p.8.

¹⁶⁸ Ibidem., p.9.

¹⁶⁹ 1960 Constitution, article 78.

¹⁷⁰ M. Stephen, op.cit., p.10.

Concerning the Treaty of Guarantee, the three signatory powers Britain, Greece and Turkey undertook to guarantee the independence, territorial integrity, security and constitutional structure of the Republic. All three powers had ‘the right to secure the observance of all provisions of the treaty; in case of a breach of a provision, when concerted action proved impossible each of the guarantor powers reserved the right to act with the sole aim of re-establishing the state of affairs created by the present Treaty’.¹⁷¹ The three states would guarantee the two main sovereign bases, as well as other small bases, granted to Britain. It was prohibited the union with any other state and partition, according to Article II.

As far as the Treaty of Alliance is concerned, Greece, Turkey and Cyprus stated that ‘the three states would cooperate and consult for their defence and protect the territorial integrity of the Republic, among other means by creating a tripartite headquarters, and by stationing 950 Greek troops and 650 Turkish troops contingent in the island’.¹⁷² Lastly, a ‘Gentleman’s Agreement’ asked for the participation of Cyprus in NATO and for ‘the mother states to seek to persuade the president and the vice-president of the Republic to outlaw the Communist Party’.¹⁷³ It also called for a general amnesty to be proclaimed after the signing of the treaties.

As it is noted by Michael Stephen, ‘The case of Cyprus is sui generis, there is no other state in the world, which came into being as a result of two politically equal peoples coming together by the exercise by each of its sovereign right of self-determination, to create a functional federation within a single territory, and guaranteed by international treaty, to which each of them consented’.¹⁷⁴ The Cypriots had been granted by a nominal independence in which the will of the majority could be prevented by a minority veto, the constitution could not change without permission from NATO allies and the defensive allegiance could not change in any circumstances.¹⁷⁵

After the signing of the 1960 treaties, problems arose between the two communities. The first incident was made when Makarios started giving redundancy notices to Turkish-Cypriots policemen with the claim that there were exceeding the 30 percent quota, even though the Turkish Cypriots were refusing and saying that the Greek Cypriots were doing so over the 70 percent quota. The taxation rate was another problem that cause dispute between the two

¹⁷¹ Quoted by F. Mirbagheri, *op.cit.*, p. 15.

¹⁷² *Ibidem.*, p. 16.

¹⁷³ *Ibidem.*

¹⁷⁴ M. Stephen, *op.cit.*, p.10.

¹⁷⁵ B. O’Malley, *op.cit.*, p. 86.

communities and when the two sides decided to reach an agreement, the Turkish Cypriots asked for the taxes to be reviewed every year or two but the Greek Cypriots did not agree on it. The dispute was taken to the Supreme Constitutional Court but it decided to give the right to both chambers to impose their own tax laws. There was a quarrel over the civil service too and the armed forces but no reasonable settlement found.¹⁷⁶

3.1.2. The differences between the 1960 Constitution and the Annan plan

Differences arose between 1960 and 1963 in the judicial system as well where there was a formation of two chambers. The composition of the lower courts was established by the communal membership of the disputants. So the plaintiff and the defendant were belonging in the same community and the court would be composed by judges of that community. Three judges, one of each community and a third neutral one, who was not a citizen of Greece, Turkey, Britain or Cyprus, formed the Supreme Court. As Joseph explains ‘the transplantation of ethnic fragmentation into the administration of justice, which was partly inherited from the colonial period, undermined the very concept of justice’.¹⁷⁷ He continues ‘in an ethnically and politically divided society, ethnic considerations could influence the operation of courts and result in undermining the administration of justice’.¹⁷⁸ Therefore, the division of the chambers was bringing gaps in the judicial and administrative duties of the court and justice could not be placed properly.

Both communities were not ‘mature’ for solution and this did not help the situation for a political settlement. The most important factor in biethnic relations was the fact that the two communities were stuck to their conflicting ethnopolitical goals of *enosis* and partition. ‘The creation of an independent state was viewed by the two sides as an interim phase for materialisation of *enosis* and partition’.¹⁷⁹ It was difficult therefore for the constitution to function the way it should do.

In 1963, Makarios put through the Akritas strategy that he had planned secretly and he proposed 13 constitutional changes. There were aiming at ‘abolishing the Turkish Cypriots’ power of veto over legislation on defence, security, foreign affairs, elections, municipalities and taxation; ended the separate Turkish-Cypriot municipalities, the 70:30 ratio in public

¹⁷⁶ Ibidem., p.88.

¹⁷⁷ J. S. Joseph, op.cit., p.23.

¹⁷⁸ Ibidem.

¹⁷⁹ Ibidem., p. 26.

services and the 60:40 ratio in armed forces'.¹⁸⁰ All these would make the 1960 agreements not operative anymore. Ankara rejected them and intercommunal violence started in late 1963.

It is interesting to examine the differences between the 1960 Constitution and the Annan plan in order to understand the possibilities of this plan bringing up a united Republic of Cyprus. It is best to see where the problems arose in the Constitution. The 1960 Constitution was aiming at regulating and protecting the interests of the two communities as distinct ethnic groups.¹⁸¹ It recognised the two communities by their ethnic origin, language, cultural traditions and religion.¹⁸² It gave 'the right to celebrate respectively the Greek and Turkish national holidays'¹⁸³ and to use 'the flag of the Republic or the Greek or Turkish flag without any restriction'.¹⁸⁴

Moreover, the establishment of separate municipalities¹⁸⁵ that the constitution provided was ambiguous because in the five largest towns (Nicosia, Limassol, Famagusta, Larnaca and Paphos), the population was intermingled therefore it could have resulted in movement of populations since it gave partitionist implications.

The Constitution did not explicitly call for interethnic cooperation, the development of ethnically mixed business firms, enterprises, political parties, newspapers and the rest, did not reward overcoming of ethnic conflict.¹⁸⁶ The lack of common parties and organisations expressing the economic interests of the two ethnic groups widened the gap between the two sides.¹⁸⁷

¹⁸⁰ Ibidem., p. 91; See also F. Mirbagheri, op.cit., p.19 for a detailed way of Makarios' thirteen proposals.

¹⁸¹ J. S. Joseph, op.cit., p.21.

¹⁸² Article 2 of the Commission identifies the two communities as 'the Greek community comprises all citizens of the Republic who are of Greek origin and whose mother tongue is Greek or who share the Greek cultural traditions or who are members of the Greek-Orthodox Church; the Turkish community comprises all citizens of the Republic who are of Turkish origin and whose mother tongue is Turkish or who share the Turkish cultural traditions or who are Moslems'. See also the Constitution in A.P.Blaustein and G.H.Flauz (eds), *Constitutions of the Countries of the World*, Oceana, Dobbs Ferry, 1972.

¹⁸³ 1960 Constitution, article 1.

¹⁸⁴ Ibidem., article 4.

¹⁸⁵ Ibidem., Article 173 (2) stated 'separate municipalities shall be created in the five largest towns of the Republic...the Council of the Greek municipality in any such town shall be elected by the Greek electors of the town and the Turkish municipality in such towns shall be elected by the Turkish electors of the town'.

¹⁸⁶ See D. L. Harowitz, *Ethnic Groups in Conflict*, Berkeley, University of California Press, 1985.

¹⁸⁷ J. S. Joseph, op.cit., p. 29.

Last but not least, the provisions incorporated in the London and Zurich agreements ‘could not in any way be amended, whether by way of variation, addition or repeal’.¹⁸⁸ This made the constitution strict and unchangeable and in overall its political framework looked impractical. It did not allow for the two groups to adjust their positions, negotiate or come in common ground for a settlement if a dispute arose.¹⁸⁹ It seems like the opinion of the population was necessary but was not included when the constitution was adopted. There was no referendum made and the above treaties were imposed to the population without their consensus. It was foreign actors that implemented them and were having the right to use military forces on the island and interfering in its domestic affairs.

However, it can be argued that ‘the right of intervention to foreign powers and communal separation could be measures aiming at the protection of the Turkish Cypriot minority’.¹⁹⁰ The reason is that the minority was having disproportional partition in areas such as the armed forces, the public service, the right to veto in the government’s affairs, as well as separate majority say in the parliament. As it has been stated ‘the Turkish Cypriots has such rights ‘more extensive, perhaps than any ever written into a constitution for the protection of a minority community’.¹⁹¹

The most important problem that Joseph identifies is ‘the presence of ethnically coloured centrifugal forces in the society and politics of Cyprus. It was the release of forces that destroyed the fragile constitutional construct and undermined the coexistence of the two communities in a united independent state’.¹⁹² Because of the fruitless efforts and the ethnic-based political tension that took place after the constitution’s adoption, ethnic violence started in late 1963. In November of that year, the proposal of Makarios’ 13 points of revising the constitution gave constitutional deadlocks and aimed at establishing a unitary state with majority rule.¹⁹³ The rejection of his proposals from the Turkish Cypriots enhanced the separation of the two communities and brought the crisis of 1963-4. “Constitutional crises, political immobilisation, ethnic passion, mutual mistrust, suspicion, fear, uncertainty, limited bicomunal interaction and the emergence of underground military groups, all paved the way

¹⁸⁸ Ibidem.; see also the 1960 Constitution, Article 182.

¹⁸⁹ Ibidem., p.23.

¹⁹⁰ Quoted by J.S.Joseph, op.cit., p.24.

¹⁹¹ T.W.Adams, A.J.Cottrell, *Cyprus between East and West*, Baltimore, John Hopkins University Press, 1968, p.7.

¹⁹² J. S. Joseph, op.cit., p.25.

¹⁹³ Ibidem., p. 28.

for an open communal confrontation”.¹⁹⁴ It gave the political and psychological setting for an intercommunal outbreak.

On the other hand, the recent Annan plan has attempted to equalise the living standards between the two communities and entails extensive power-sharing. As it is stated in Article 1 (2) ‘Cyprus is an independent state in the form of an indissoluble partnership, with a federal government and two equal constituent states, one Greek Cypriot and one Turkish Cypriot’. As a member of the UN it has an international legal personality and sovereignty. It also states that the constituent states are of equal status and within the limits of the Constitution, their powers are exercised by their own Constitutions freely.¹⁹⁵

In the Annan plan, the new Constitution of Cyprus is referred in the Appendix A, Draft Annex I, where it is pointed out the powers of the administrative, judicial, legislative and executive institutions and their formation. As it is analysed in the previous chapter, the plan strives to ensure workability and no vetoes are allowed like in the 1960 Constitution, but a special majority would be required with only 40 per cent of each side.¹⁹⁶ It presupposes the establishment of a federal, bizonal republic with a single international personality and single citizenship.¹⁹⁷ All these years, the Turkish Cypriot side wanted ‘separate sovereignties’ and this does not work out for a confederal state, therefore the negotiations throughout the years were kept deadlocked. This is shown in the latest negotiations that took place in March 2003, where the negotiations failed once more.¹⁹⁸

However, one of the main differences illustrated between the 1960 Constitution and the Annan plan is the EU factor. The accession of Cyprus to the EU changed the role of the negotiations and complicated the TRNC-Turkey relations. There are many arguments that have dealt with this issue and show how this plan can be more feasible for Cyprus to enter the EU as a united republic. Therefore, it is better to examine how each external actor played its role separately in the enforcement for a settlement in Cyprus in the recent years. The next half of this chapter is going to address and examine the different players in the international scene and how they influenced the situation as it is now.

¹⁹⁴ Ibidem., p. 30

¹⁹⁵ Appendix A, Foundation Agreement, Article 1 (2).

¹⁹⁶ G. Vassiliou, op.cit., p.215.

¹⁹⁷ M. Evriviades, ‘*Europe in Cyprus: the Broader Security Implications*’, in <<The Brown Journal of Foreign Affairs>>, vol.10, issue 1, 2003, p.253.

¹⁹⁸ See Press Statement of the UN Secretary -General, 11 March 2003, where Kofi Annan said that the Turkish side ‘had fundamental objections’ to his plan for a solution.

3.2 THE REACTION OF INTERNATIONAL ACTORS

It is best to observe what the local community has done in order to bring the plan in a workable position. In order to examine the dynamics of a new, united republic of Cyprus it is best to look at what the people of Cyprus want and what is their official position over the issue.

3.2.1. TRNC

The general position that the coalition government is having in the TRNC can be summarised as following. Firstly, they state that the 1960 Constitution confirms Turkish Cypriot's natural right of self-determination, where the Turkish Cypriots do now want to settle for less.¹⁹⁹ They want to be assured of physical security and be preserved of a separate national identity, which will work towards an eventually international recognition. Turkey's security guarantees should not be eroded, and reasonable territorial compromises to the Greek side can take place. There are also the opposition parties in the TRNC that have different views. They want to join the EU with the Greeks in 2004 and that will end their isolation and solve their economic problems. They believe that the Annan plan provides them with sufficient autonomy and safeguards them with prosperity under the EU umbrella. Lastly, they acknowledge the 'sacrifices' that Turkey has made for the Turkish Cypriots; however, they want some degree of independence in order to reach Europe. For them, the return of the settlers back to Turkey is acceptable and they accept it as it is mentioned in the Annan plan.²⁰⁰

These elements can be seen as well by the demonstrations that took place in the island in December 2002 and showed the public support for an EU accession together with the Greek Cypriot side. However, the economic difficulties in the TRNC are making it more difficult for the official/national alliance but strengthening the opposition/ultra Europeanist coalition.²⁰¹ The Minister of Foreign Affairs of the TRNC explicitly stated that 'if the Greek Cypriot side is not prepared to enter into a meaningful association with the Turkish Cypriot side under an acceptable framework, which would protect the basic rights, interests and status of the Turkish Cypriots, then the TRNC, as an independent and sovereign country will chart its own

¹⁹⁹ S. Atasoy, *Cyprus, Turkey and the EU: The Need for a Gradual Approach*, in <<The Brown Journal of World Affairs>>, vol.10, issue 1, 2003, p.262.

²⁰⁰ Ibidem., p.263.

²⁰¹ Ibidem., p.264.

course'.²⁰² He continues 'the TRNC with Turkey as its guarantor power, will take all necessary steps to secure the well being of the Turkish Cypriot people and to ensure that Turkish Cypriots assume their rightful place among the community of nations'.²⁰³

However, the Turkish Cypriots have not expressed their political will freely and therefore it makes it difficult to analyse their political attitudes towards a solution. The latest reaction of Denktash towards the revised Annan plan and the end of the negotiations last May, showed that the Turkish Cypriots were not willing to compromise for a political settlement. However, in the upcoming December 2003 elections of the TRNC there is some optimism from the opposition side, which might have the chance to express its views and change the scene for a possible settlement in the island.

3.2.2 The RoC

The presidential elections of February 2003 in the Republic of Cyprus revealed a new Greek Cypriot agenda. The new elected president Tassos Papadopoulos had different ideas from Clerides who has been a politician since 1945 in the island and knows the Cyprus issue very well. Papadopoulos' policy was more focused on the internal affairs of the island; however the UN and international actors were pushing hard for negotiations. He wanted to bring the Greek Cypriot displaced people who had settled in the south back to their properties in the north.²⁰⁴ This would not help the Turkish Cypriots to agree on it since it is not politically and economically right for them. Throughout 2002 and until the November elections in 2003 in Turkey, many scholars believed that the negotiations would be finished if the Copenhagen Council had accepted a divided island. However, the negotiations continued and the Annan plan was again on the table. The Greek Cypriots seemed to gain in territorial aspects through the plan and in the aspect of refugee return.²⁰⁵ Concerning security, the Greek Cypriots would gain with the Guarantee Treaty because the Turkish troops would be reduced in the north and would bring a peace settlement with Turkey and the Turkish Cypriots.²⁰⁶

²⁰² Ibidem., p.227.

²⁰³ Ibidem.

²⁰⁴ T. Ertugruloglu, *Recent Developments in the Cyprus Issue: A Realistic appraisal*, in << The Brown Journal of World Affairs >>, vol.10, issue 1, 2003, p.225.

²⁰⁵ W.Wallace, *Reconciliation in Cyprus: the window of opportunity*, European Union Institute, Florence, 2002.

²⁰⁶ Ibidem.

3.2.3. The EU

The EU institutions have made some changes over the process for a settlement in Cyprus, especially during the year of 2002. However, the Council and the Commission were relying on the UN mediation and the Turkish scepticism on the EU's role in Cyprus. The EU had stated that as with all candidate countries, accession negotiations would have started only if the country meets the Copenhagen criteria.²⁰⁷ This implies that human rights are fully protected, the rule of law prevails and there is a full and comprehensive separation of powers between the executive and the judiciary and functioning democratic institutions.

The European Commission said in a statement that it regretted to announce the failure of the talks on Cyprus, but the accession process with the Union will go ahead as scheduled for the 1st May 2004, which only the Greek part will be able to join then. EU officials stated that it is difficult to imagine that Turkey can start talks with the EU when 40,000 Turkish troops are occupying a part of a future EU member state.²⁰⁸ Mr Solana stated 'we put all our trust, all our confidence in the Secretary-General'.²⁰⁹

The Turkish application to the EU was considered in 2002 and the European Commission stated that Turkey does not meet the conditions for opening the negotiations. This was evidenced by the reprimands in the 2001 Commission Progress report and the successive European Parliament reports on Turkey's Cyprus policy.²¹⁰ However, a new meeting is fixed for the end of 2004 where hopefully, by then, it will meet the political criteria of Copenhagen and negotiations will be able to begin. In The Hague, there was a failure of the talks, for the Cyprus problem to be resolved and Turkey's hopes to discuss its EU candidacy are slim. Turkey cannot join as an EU member state if it does not simultaneously recognise Cyprus. EU has in this case to play as a catalyst to the Cyprus problem.²¹¹

In a meeting in the European Parliament in January 2002, the Turkish Cypriot negotiator Ergun Olgun stated "the assurance that the terms of the agreement between the two parties would be taken on board by the EU, which has helped to ease some of the concerns that the

²⁰⁷ Ibidem.

²⁰⁸ EurActiv, *Report on State of Enlargement*, 21 March 2003.

²⁰⁹ Ibidem.

²¹⁰ Ibidem.

²¹¹ G. Vassiliou, *op.cit.*, p. 216.

Turkish Cypriot party had”.²¹² It is the first time that the Turkish Cypriot leadership interpreted Commission’s statements as being willing to meet their concerns rather than forcing them into a settlement within the Greek Cypriots lines.

However, with the publication of the UN plan, demonstrations occurred in the northern part of Cyprus, the first one on 1 December 2002 under the NGO umbrella group “Common Vision” with 10,000 Turkish Cypriots demonstrated in favour of the plan. On 26 December 2002 the number increased to 30,000 and the final demonstration took place on 14 January 2003 when 45,000-70,000 Turkish Cypriots demonstrated in the capital, Nicosia, in favour of a solution and Denktash’s resignation.²¹³ These numbers show the public support of the Turkish Cypriots for accession of a united Cyprus to the EU. Opinion polls have shown that public support from both sides is in favour of a united island. The vast majority of Turkish Cypriots, not least the younger population, see the reunification as a way out of worsening poverty.²¹⁴ As it is mentioned by Professor Jakobsson Hatay, from the University of Uppsala, “the requirement of public consent is also believed to have a healthy moderating effect on the preceding peace negotiations. The prospect of having to submit the end-product of negotiation to the public, forces the parties to take also the other side’s concerns seriously. Passing the test of public opinion becomes a common interest”.²¹⁵ The Turkish Cypriot public’s concern is not simply the fear of poverty but as well the allure of EU prosperity.

For the EU, Cyprus is only an economic unit and a geopolitical entity. The EU can work as a catalyst and a motive (initiative) for the emergence of a new communal Cypriot awareness. The new political institutions should help that arise. The past can bring about a new common future, which now is enforced by the European reality. If there is the analogous and proportional political will from the participating members, we can then speak for the Cypriot experiment and not the Cypriot problem. Then we can prove the European unity in its fulfilment.

A union with the EU would help them reunite the island and bring them prosperity, security and respect for the individual. EU is already working on its common foreign and security policy with a main objective the security and peace in the EU umbrella and in the rest of the

²¹² European Centre of International and Strategic Studies, Meeting held in the EP, Press Release, 9 January 2002.

²¹³ N. Tocci, *Towards peace...cit.*, p.201.

²¹⁴ The Guardian, *Single Minded approach*, Tuesday 18 March 2003.

²¹⁵ The Turkish Daily News, *The Orphan Peace plan: Kofi Annan’s proposal for a reunited Cyprus*, 9 December 2002.

world. In prosperity matters, the EU is helping member states and countries, which are lacking in prosperity to develop faster and improve their standards of living. Examples such as Ireland, Greece and Portugal show that the EU with its structural funds helped these countries to develop and contribute to the growing prosperity of Europe through their development.

In Cyprus the introduction of the high standards of social security prevailing in Europe as well as the need to secure absolute equality between the genders, care of the elderly and handicapped, education for all without discrimination, high standards of safety at work, and protection of the environment are all manifestations that show the respect of the individual. The EU has put aside 1.5 million euros to finance 25 cross-cultural projects in the coming months and the projects will cover issues from education to health.²¹⁶

Moreover, the protection of human rights, solidarity, and real convergence are major principles for the EU. In the Union all individuals are and should be equal. Their rights are guaranteed by the various EU institutions and the European Court of Justice is one of them that ensures their implementation. Discrimination against an individual or a community is incorrect in the frame of the EU. Moreover, monetary and customs policies are in the exclusive power of the Union. As soon as Cyprus becomes a member of the Union, it can become an active member of the European Monetary Union. The decision will be made in Frankfurt, where the interest of the Union will be considered more than of a small country's like Cyprus. Turkish Cypriots will benefit greatly with these principles, since now the standard living of them is one third of that of the Greek Cypriots. For this reason, the European Commission has decided to provide with special assistance of 12 million euro aid package for Cyprus on 3 June to promote trade between the Turkish north and the Greek south of the island. More specifically, the Turkish Cypriot Chamber of Commerce will be allowed to issue export certificates for the EU market. 9 out of the 12 million euros will be used for economic development whereas the remaining 3 million will be for measures to establish closer ties between the Union and the Turkish Cypriot community.²¹⁷

The chief negotiator for the accession of Cyprus to the European Union, Mr Vassiliou stated on March 2003 in his article that "it is important that European citizens learn to be loyal both to their local and pan-European institutions. The multiple level of belonging and allegiance is

²¹⁶ Ibidem.

²¹⁷ EurActiv, *Cyprus to receive new EU funds to promote cooperation*, 03 June 2003.

extremely important for Cypriots; both Turkish Cypriots and Greek Cypriots are proud of their origins and want to protect their national identities. At the same time, both communities will benefit from citizenship in a reunited Cyprus, which will be a full and active member of the EU”.²¹⁸

He states that the Greek Cypriot side is continuing its constructive policy and readiness for a solution based on the Annan plan. Without reunification of the island, the government of the Turkish Cypriots will remain an outsider in the international community and a non-recognised extension of Turkey.²¹⁹ He said “Time is the enemy of a Cyprus settlement. The more time passes, the more difficult it becomes to reunite the island”.²²⁰

However, with the solution to the Cyprus problem, a new era will begin for the region as a whole and for the whole Eastern Mediterranean area in a new climate of peace, cooperation and prosperity. Today is seen as the Cyprus problem has failed to be solved. Mr. Denktash does not understand that it is against the interests of the Turkish Cypriots not to join and enjoy the benefits from its unification. Despite failing to act in The Hague, the Turkish government will recognise that by solving the Cyprus problem, it is going to be able to surpass its present economic crisis and the Eastern Mediterranean region will be able to prosper peace and security. There is still hope that the Annan plan is still a basis for a solution to the Cyprus problem. However, there is still space for recommendations in the next chapter.

3.2.4. The United States

On the other hand, Washington wants to see Turkey entering the EU but as long as Cyprus becomes an obstacle to the path, Washington still remains occupied with the problem.²²¹ The US support is still important for Turkey since its economic backwardness is now helping her in its EU relations. The US is accepting the difficulties of accepting the plan on Cyprus as a setback and its role to push the two sides to come to a conclusion is crucial. The reasons are many: firstly, only Ankara can convince Denktash to accept a deal that most of his citizens want. Secondly, the Turkish Cypriots are important for the resolution of the conflict because they want a unified island. Thirdly, Erdogan’s political party is the first Turkish government

²¹⁸ G. Vassiliou, op.cit., p.219.

²¹⁹ Ibidem., p.220.

²²⁰ The Guardian, *Single-minded approach*, Tuesday 18 March 2003.

²²¹ Ibidem., p. 238.

that is supporting a reformist policy course, therefore it should be given a chance prove itself and the US ought to be working on this.²²² Since World War II, US interests in the region have been premised on the expectations that Turkey is going to stay politically strong and pro-Western. However, Ankara turned to the West now with its new government which wants Turkey to join the Union and bring to it economic and social development. Most diplomats in Washington believe that if Turkey will not succeed to enter the EU, it is going to be driven towards radical ethnocentrism and fundamentalism.²²³

As it is written by Richard Holbrooke, the Assistant Secretary of State for European Affairs in the Washington Post, on 29 November 2002, “the most consequential part of this historic European moment (the Copenhagen Summit) is Turkey’s application to join the European Union. If Turkey were spurned then Europe ran the risk of eventually creating a radical or fundamental regime at the very gates of the European Union”.²²⁴

Erdogan’s policy has been controversial since The Hague talks in March this year, where he denounced Annan as ‘having deceived him on the Cyprus question’ and therefore he closed the chapter on negotiations. As Henri Barkey stated ‘Erdogan had been checkmated by an array of conservative forces in Turkey and external circumstances and therefore, he was unwilling and unable to push forward on Cyprus’.²²⁵ However, the US are willing to work with Turkey in order to bring democratisation, human rights and prosperity in Cyprus, therefore Erdogan has to give his best shot in order to have the US by his side.

3.2.5. Turkey

The new AKP government in Turkey, which came into power on 3 November 2002 elections, had the intention to put pressure for the Cyprus agenda to go forward. The AKP, with its Islamic roots coming into power is willing to differentiate itself from the Islamic forces and claim to be a centre-right party. Its main goal is the European Union accession process. Self-preservation is its main strategic policy making, even though the state prohibited from its leader and founder of the AKP, Recep Tayyip Erdogan from running the elections in 2003. However, the EU accession process is offering Turkey the conditions on democracy in order

²²² Ibidem., p. 239.

²²³ M. Evriviades, *Europe in Cyprus: The Broader Security Implications*, in <<The Brown Journal of World Affairs>>, vol.10, issue 1, 2003, p. 243.

²²⁴ See R. Holbrook’s article in *A Three-pronged American strategy*, in Wanshington Post, 29 November 2002.

²²⁵ H. Barkey, op.cit., p.235.

to set the Copenhagen criteria. The EU accession is not depending only in the democratisation of Turkey but also in the solution to the Cyprus problem. Even though Erdogan is not tied to Denktash vision of Cyprus, he is willing to make a compromise over Cyprus.²²⁶ He faced, though, many protests and had to confront the military and civil forces in Turkey, who were in favour of Denktash policy over Cyprus. The Turkish Parliament showed his position when it voted against the US troops to land in the Turkish territory, when the Iraq war broke out in March 2003. In The Hague talks, Erdogan denounced the UN General Secretary as having deceived him on the Cyprus question and therefore he closed the chapter on the negotiations.²²⁷ By not allowing the US forces to be based in Turkey, the government lost the US, one of its allies and showed its inability to turn the matter to the parliament. No one knows what will happen next, since Denktash seems to reject any plan that is offered to both sides and the outlines of a solution would be beyond the limits of accessibility. Turkey has to push harder on Denktash to compromise because the more isolated Turkey becomes, the less likely it will become to join the EU and to find a solution on the island. Cyprus accession now is unstoppable (at least the Greek part) and most of the observers blame the Turkish side for its intransigence.

As Seymen,²²⁸ is pointing out the main points that Turkey's government party, opposition party in parliament and the majority of the people desire. Firstly, Turkey should continue to defend and support Northern Cyprus, otherwise it looks like it abandons Turkey's historical and legal rights and national interests. Secondly, Cyprus is strategically important for the national security of Turkey and it is important for its access to energy transport lines and water resources. Thirdly, if Cyprus comes under control of a rival force, Turkey would be encircled in Anatolia. Turkey finds it irrelevant Cyprus and Turkey's accession to the EU even though it finds the latter doubtful to happen. It believes that the TRNC should become internationally recognised as an independent state. Finally, it accepts only reasonable territorial concessions to the Greek side.

Moreover, Turkey has to be criticised for the human rights violations that still take place in the northern part of Cyprus, since Turkey has the *de facto* co-responsibility in the northern

²²⁶ Ibidem., p.234.

²²⁷ Ibidem., p. 235.

²²⁸ S. Atasoy is a Chair of the Department of International Relations and Assistant Professor in the Eastern Mediterranean University of Northern Cyprus.

part. This resulted from the Parliamentary Assembly of the Council of Europe, on 24 June 2003 in Strasbourg in its session on the “Debate of Cyprus”.²²⁹

3.2.6. Greece

The Simitis government brought European inclusion and not exclusion to the Cyprus issue through different factors. Firstly, the Foreign Minister George Papandreou brought the Greek-Turkish ties together and brought peace and security to the region. Throughout the years, there was a international fear of the breaking out of a Greek-Turkish war and one of the reasons would be the Cyprus issue. However, after the earthquakes that took place in 1997 in Turkey and followed in Athens, the two neighbouring countries came closer and their relations became stronger. Greece was in favour of the UN plan as soon as it was published.

Moreover, the Greek Presidency of January to June 2003 played a crucial role in the continuation of the negotiations and to a closer settlement over Cyprus. Simitis’s European policy helped the two sides of the island to come back to the negotiating table and speak about the problems that arose in the Annan plan. However, there was not strong political will for a successful negotiation and the Greek Presidency finished without a remarkable outcome. In the signing of the Accession Treaty for the candidate countries of 2004 that took place in Athens in 17 April 2003, the Greek Prime Minister, Kostas Simitis made a statement ‘the border line in Cyprus separates Turkey from the EU’.²³⁰

There are all positions from international actors that have played an important role throughout the year in the domestic and external affairs of Cyprus. Everyone now wants a solution. Most players seek a common ground on the Annan plan as a basis for further negotiations. Some recommendations are vital in order to see what are the likely scenarios that can be played in the future.

²²⁹ See <http://www.coe.int>.

²³⁰ See <http://www.in.gr>.

CHAPTER 4

THE ROAD AHEAD

As the Chief negotiator for the Accession of Cyprus to the EU stated 'The Annan plan is the most detailed and elaborate proposal by the United Nations and is the result of an unprecedented concentration of efforts'. The big test for Cyprus is whether this plan is going to be accepted by both communities in the future and if that will help for a united Cyprus to join the EU. This chapter is going to elaborate different scenarios that could take place in the nearer future resting upon the Annan plan. These scenarios are followed by some recommendations that can be taken into consideration when a solution might be given to the Cyprus issue. Moreover, it illustrates some issues of human rights, which the people of Cyprus should be protected in order for them to benefit if a political settlement is going to happen, something that they have been waiting for so many years. Already we have seen some recent developments in the island where there has been a lift of the restrictions for the freedom of movement, which Denktash had imposed since 1974.²³¹ Mr Savvides supports the view that there are two schools of thought, which look at the recent developments until the accession of the island on 1 May 2004.

I. DIFFERENT SCENARIOS

Best case: If the Annan plan is accepted, what happens next to Cyprus

The first school of thought indicates that there is no time consuming and therefore the Greek Cypriots as the powerful ones could develop a policy that can deadlock the Annan plan and bring a solution before May 2004.²³² The Greek Cypriots are the ones that are going to gain from the EU accession if the Turkish Cypriots do not agree until May 2004. Based on what the first school says, the time factor is not important and things can wait. However, the time is passing and it is important for a radical solution to be taken now.

²³¹ P. Savvides, *Ora gia Rixikelefthes Provoulies sto Kipriako*, To BHMA, 12 June 2003.

²³² Ibidem

Worst Case: If the Annan plan is not accepted, is it still place for another plan or changes to the recent one?

The second school supports the view that the accession of Cyprus can take place without a solution in the Cyprus issue, based on the Annan plan. After the accession, the Greek Cypriots will be in a more privileged position to revise the Annan plan and to put pressure on Turkey and the Turkish Cypriots for a solution the way they want to.²³³ However, the international community wants a Cyprus solution by May 2004 so that a united island can join the EU.

II. RECOMMENDATIONS

The key for a solution rests on Ankara and pressure should be put there. The reason for that is resting on Lefkosia and Athens, who have to work together to bring common ground so that more pressure can be put on Turkey and on Denktash's policy.²³⁴ There should be a clear message that the Annan plan is the basis for further negotiations and a reasonable political settlement. The public opinion should be informed regarding the advantages and disadvantages of a future settlement in the island based on the Annan plan, therefore the media should take active role. A formation of the Reconciliation Committee should be activated, as it is stated in the Annan plan so that the Greek Cypriots and the Turkish Cypriots can start taking their position in the institutions, such as the Economical and Social Committee of the EU.²³⁵ All these will help for public awareness and prepare the Cypriot citizen for a future referendum. Moreover, it would put more pressure on Turkey and Denktash and would serve the role of the plan.

The report from the Commission on Human Rights, prepared by the Office of the High Commissioner for Human Rights, published on 21 March 2003, resumed the activities until January 2003 and provided an overview of the human rights issues in Cyprus. There were some recommendations made for the nearer future. It proposed some steps to be taken in order to 'resolve the problem of the missing persons and to establish an independent and impartial body to promote understanding, tolerance and mutual respect between Greek Cypriots and Turkish Cypriots, which would have an effect of promoting a culture of respect

²³³ Ibidem.

²³⁴ Ibidem.

²³⁵ Ibidem.

for human rights'.²³⁶ The report also indicated that the political problem, which continues in the island does not allow its people to enjoy their human rights, such as freedom of movement, property rights, freedom from discrimination, freedom of religion, freedom of expression, voting rights, economic, social and cultural rights and the human rights issues pertaining to the question of missing persons.²³⁷ The current political situation in the island prevents from an adequate assessment of the human rights situation on the whole island. Therefore, in the future, appropriate ways and means should be taken in order to bring a political settlement sooner so that the people of Cyprus can enjoy their rights.

It is important to see the humanitarian aspect of the Cyprus issue. Firstly, the freedom of movement in the island is still limited in certain aspects. The partial lift of the restrictions on the freedom of movement since 1974 by Denktash, showed a good political will for more co-operation between the two communities one week after the signing of the Accession Treaty of Cyprus to the EU, in 17 April 2003. However, it still depends on the authorities to give permission to the people of both sides to travel freely in the island. For the moment there is no legal agreement for the opening of the borderline in Nicosia, therefore it can close anytime without any restrictions.

Moreover, the issue of freedom of association is at stake, the participation in intercommunal activities by members of both the Turkish Cypriots and the Greek Cypriots has been restricted. There have been some activities organised bringing together Greek and Turkish Cypriots including youth festivals organised by political parties from both sides, gatherings of politicians, meetings between businessmen and seminars for architects, engineers, teachers and musicians.²³⁸ These activities are aiming at fostering the relations of the two communities and bringing better communication, dialogue and contribute to confidence building and the promotion of a climate of tolerance. However, there have been cases where discrimination has taken place and Turkish Cypriot authorities restricted the ability of Greek Cypriots and Maronites from the north to change their place of residence.

The cases that are still pending in the European Court of Human Rights, as there were mentioned in the second chapter, are waiting for a political solution to the Cyprus problem for

²³⁶ UN, Commission on Human Rights, E/CN.4/2003/31.

²³⁷ Ibidem.

²³⁸ Ibidem.

them to be solved. For example, in the case of *Cyprus v. Turkey*,²³⁹ the Parliamentary Assembly of the Council of Europe reiterated 'it calls upon the Turkish authorities to ensure rapidly that concrete measures are adopted in the case of Cyprus against Turkey, notably to deal with the problems missing persons in a manner respecting the Convention and to stop the continuing violations of the rights of the Greek Cypriots in northern Cyprus'.²⁴⁰ As regards the case of *Loizidou v. Turkey*, the Committee of Ministers of the Council of Europe adopted an interim resolution deploring the fact that 'Turkey had not yet complied with its obligations in the case, today Turkey has not paid just satisfaction to the applicant'.²⁴¹ The Parliamentary Assembly of the Council of Europe has noted 'with grave concern Turkey's continued refusal to respect the Court's judgement in the *Loizidou* case' and invited 'Turkey to ensure payment of just satisfaction owed to the applicant without any further delay'.²⁴²

Regarding the freedom of religion and the prohibition of arbitrary interference with family life, in May 2002, a law was passed addressing restrictions on marriage laws of Turkish Cypriots living in the southern part of the island. According to the new law, individuals of whatever nationality or religion have the right to contract civil marriage, irrespective of the faith of the spouses. As of May 2000, Turkish Cypriot authorities have recognised Greek Cypriot marriage certificates.²⁴³ Therefore, with a new settlement on the island, there will be a possibility to have mixed marriages, regardless the nationality and the religion. This is a new step for promoting human rights and showing a progress of the cultural development in the island.

Concerning the right to vote and be elected, since the *de facto* partition of the island Turkish Cypriots living in the south have been barred from voting in national elections, but can travel to the north and vote in the elections there. The Cypriot Supreme Court has dismissed the issue over the participation of Turkish Cypriots in the national elections with the claim that this would require a revision of the Constitution. Therefore a political solution is needed in order to ensure the human rights of all Cypriots without any discrimination. The Committee on Elimination of Racial Discrimination has reported that the government is considering means of granting voting rights in respect of all political elections to Turkish Cypriots

²³⁹ See also Resolution 1297, 23 September 2002 on the implementations of decisions of the European Court of Human Rights.

²⁴⁰ UN, Commission on Human Rights, E/CN.4/2002/33. para.11.

²⁴¹ *Ibidem.*, para.13.

²⁴² *Ibidem.*

²⁴³ *Op.cit.*, E/CN.4/2003/31.

residing in the south.²⁴⁴ Greek Cypriots and Maronites in the north cannot participate in the Turkish Cypriot elections; however they can participate in the elections in the southern part of the island. However, in a recent meeting taken in the Council of Europe, the Assembly called for a better treatment of Greek Cypriots and Maronite communities in the northern part of the island and gave responsibility to Turkey, since it is the *de facto* legal responsible for the part of Cyprus.²⁴⁵

The economic situation in the northern part of Cyprus has deteriorated over the past few years, partly due to the economic embargo imposed from the Greek Cypriot administration; partly due to corruption, the anarchic economic structures and the political dependency of economic actors. However, the European Commission has adopted recently an aid package for the Turkish Cypriots in order to promote trade between the Turkish north and the Greek south of the island.²⁴⁶ ‘The Turkish Cypriot chamber of Commerce will be allowed to issue export certificates for the EU market. There will be 3 million Euros for measures to establish closer ties between the Union and the Turkish Cypriot community’.²⁴⁷ This is a breakthrough from the international community to help the northern part of the island integrate slowly with the Greek Cypriot part, even though Denktash has not shown any recent development on the issue of continuing the negotiations based on the Annan plan.

The most unresolved issue is the one of the missing persons. The Committee on Missing Persons (CMP) established in 1981, is composed of three members, as it is analysed its role in the second chapter of this paper. However, since 2000 there has been no third member but the First Assistant to the Third Member of the CMP tries to overcome the obstacles and resume its activities. During the 2002 period, the two leaders of the island, Mr. Clerides and Mr. Denktash met several times and exchanged papers containing proposals to overcome the difficulties and impasses. However, the two leaders should without delay take steps to conclusively resolve the issue of missing persons. Both sides should cooperate fully with the CMP in accordance with the agreement they signed on 31 July 1997. Each side should continue and conclude all necessary enquiries. It is for the best of both communities to resolve this issue that has taken so long to be solved. There must be good cooperation between the two communities, the authorities and the people for a concrete outcome.

²⁴⁴ CERD/C/384/Add.4.

²⁴⁵ See <http://www.coe.int>.

²⁴⁶ EurActiv, *Cyprus to receive new EU funds to promote cooperation*, 03 June 2003.

²⁴⁷ Ibidem.

The current de facto partition on the island and the present political situation constitutes a major obstacle to the enjoyment of the human rights by all Cypriots throughout the island. The human rights situation in Cyprus would greatly benefit from the achievement of a comprehensive settlement of the political impasse.

Furthermore, since the EU has accepted the RoC's membership application and opened membership negotiations, the parameters of the Cyprus conflict have been changing.²⁴⁸ In that sense, the negotiations themselves have already acted as a catalyst to the conflict; however, it is still not clear what the outcome will be. This is not to say that the EU does not have a great potential to assist a transformation of the Cyprus conflict and identities embedded in it towards a less conflictual co-existence and a move away from the rigid lines of division between Greek and Turkish Cypriots. Changes have to be brought about by the people in Cyprus themselves. European integration has often been seen as an instrument to achieve national interests, however, some of the steps taken had transformative effects beyond the control of those. This integration might give a chance to Cyprus to subvert the line that are currently dividing the island.²⁴⁹

Whatever a potential future solution to the conflict comprises in institutional terms, it will, as the collapse of the 1960 constitution in Cyprus and since then the collapse of a series of other peace agreements in the island, have to be sustained by a long-term transformation of the identities embodied in the conflict. Here is where the EU can act as a catalyst to the Cyprus issue. In my view, it does not mean that because of the EU membership, all the problems will be solved on the ground, but because of the institutional and discursive framework that the EU allows for the re-articulation and re-presentation of identities.²⁵⁰

The UN Secretary-General Kofi Annan would be ready to undertake a new initiative if the Greek Cypriot and the Turkish Cypriot sides accept his plan without terms, something he would consider real proof of political will on their part to proceed with a solution and fix dates for a referendum on the plan. More specifically, it would be a new element the reduction of enemy pictures, which are still to be found around the island, for example in school books, newspapers, propaganda leaflets and so on. There should be some measures taken by the authorities of both communities for combating discrimination in different areas, such as education, employment, media for elevating the moral and ethic standards of their people.

²⁴⁸ See C. Brewin, *The European Union and Cyprus*, Huntington, the Eothen Press, 2000.

²⁴⁹ T. Diez, *op.cit.*, note..., p.4.

²⁵⁰ *Ibidem.*

As the Secretary-General of the Council of Europe said on 7 July 2003 in a meeting held in Strasbourg, 'there have been some very good steps already. Maybe we still need to consider what is necessary for the final solution. There was the Kofi Annan plan, which is still on the table, and there is the opening of the dividing line'.²⁵¹ The Secretary General added that "it is also very important that Europe now supports the process of reconciliation in Cyprus, in order to put any political solution on a stable basis in the hearts and minds of Cypriots".²⁵² He continued as "Let me give you an opinion based on my experience as a politician: the best basis for a constitution for a unified Cypriot state is the shared will of the citizens of the two communities to live together. This will is stronger than international law and all political processes, whether they will be undertaken within the United Nations, the European Union or any other institution".²⁵³ He thinks that there have been steps on the right direction so there is still hope that by the time the EU accession will take place on May 2004, there will be a possible solution to this long-lasting problem of Cyprus, since the EU is one of the catalysts for a possible solution in the Mediterranean region.

²⁵¹ J. Christou, *Greek Cypriot parties accused of Strasbourg snub*, *The Cyprus Mail*, 7 July 2003.

²⁵² Ibidem.

²⁵³ See <http://www.coe.int>, Situation in Cyprus.

CONCLUSION

Throughout the various stages of the Cyprus problem, many efforts were made by the UN Secretary-Generals in order to find a feasible and everlasting solution to the issue but all efforts have failed. There is still a gap dividing the two communities in different forms, such as economic, social, political and cultural but no solution has been found yet. As the present study has shown, domestic ethnic conflicts can lead to the breakdown of a state and also far-reaching consequences for other states, international organisations and world order. The case of Cyprus has been used to provide the complexities of ethnic conflicts as well as the interference of states and international organisations in order to put pressure to local actors.

More specifically, this piece of work has examined the UN's role as a mediator in this ethnic conflict of Cyprus and the several, numerous plans that have been proposed throughout the years but have not succeeded in bringing the two communities together. However, I chose to explain and elaborate the Annan plan since it has been the most recent and detailed plan until now and examine its dynamics in comparison with previous plans proposed in the previous years, with the role of the Cypriot society, with the enjoyment and protection of human rights that can bring to the people for peace and security in the island and in the Mediterranean region as a whole.

In the first chapter, I showed a series of plans that tried to solve the Cyprus issue, but failed because of the lack of political will by the two communities in the island. To begin with, I wanted to bring up some relevant plans related to the subject I chose in order for the reader to understand better the situation throughout the years. I illustrated the differences of the plans throughout the years up to the current situation and its changes.

I continued in the second chapter with the dynamics of the Annan plan, its main principles and set of ideas. Moreover, I brought up a number of cases related to continued human rights violations, which are still pending before the ECHR and try to explain that they have not been solved yet because of the political situation in Cyprus. The Cypriot people cannot enjoy their rights because of the unsolved situation, which is mainly caused by the lack of political will of their leaders.

In the third chapter, I compared the Annan plan and the 1960 Constitution by elaborating its main principles and diversities with the constitution and showed the new dimensions that the

Annan plan brings in its plan for a feasible solution. Moreover, it has been analysed the changes that the civil society has passed through the years and the recent developments that have emerged into it. The role of the Cypriot society has been a significant one in the current situation of the problem because it has shown the ethnic bonds that each side has with its motherland (Greek Cypriots with Greece, Turkish Cypriots with Turkey) and the common values, history and culture that both communities share between them. Therefore, I came up with the conclusion that history and culture have been expressed through ethnic tension, fear and suspicion through the years. Ethnic hostility should not keep the two communities apart but foster a channel of communication and interaction between the two parts of the island. Furthermore, I found important to mention in this chapter, the reaction of the international community and mainly third actors that have been influencing the situation lately, such as the local community, the EU, the US, Turkey and Greece.

Last but not least, in the fourth and final chapter there have been some recommendations and likely scenarios that might take place in the nearer future on the basis of the Annan plan. In my opinion, the most realistic scenario is that the Annan plan is going to remain on the table for further negotiations until the southern part enters the EU. The northern part is likely to benefit in a slower pace while the southern is getting prepared for the accession of May 2004. However, there is willingness from the international community for the whole island to join the Union.

Although all UN efforts failed to bring a solution to the Cyprus question, it still remains an institutional arrangement, through which countries interact in order to bring peace and security in the world. However, the UN can be efficient only if all parties involved, have the political will and commitment to overcome difficulties and make genuine efforts to look for solutions. In the case of Cyprus, this has not been the case. The Annan plan could become a key plan for solution only if there is a political will from both sides, the Greek Cypriots and the Turkish Cypriots for a compromise in order to bring harmony, prosperity, enjoyment of human rights, peace and security in the two communities that have been lacking these through all these years.

In a report from the Security Council after the negotiations failed in March 2003, addressing issues of confidence-building between the two communities, it is stated that 'the Secretary-General does not propose to take a new initiative, unless and until such time as he is given

solid reason to believe that political will exists necessary for a successful outcome'.²⁵⁴ Then it continued by pointing the finger in the direction where there should be more to be done in order to bridge the gap and bring a settlement. It referred to the absence of an agreement due to the 'negative approach of the Turkish Cypriot leader'.²⁵⁵ Therefore, no settlement could be reached before the signing of the Accession Treaty of Cyprus to the EU, on April 2003. The most likely scenario is the joining of the Greek Cypriot part to the EU and the following of the Turkish Cypriot side when it is ready and when both leaders could agree on a compromise.

Even though no settlement has been reached so far and all UN efforts have failed, the continuing *de facto* division of the island has not gained legitimacy and neither the recent permission of the opening of the 'green line' has been considered as a solution. The Annan plan is following the High-Level Agreements of 1977 and 1979 for a unified bizonal federal republic, but in a more detailed and comprehensive way. These agreements noted a significant turning point since it was the first time that a settlement was referring to a bizonal and bicomunal federal republic. Under the right circumstances, a settlement based on a bizonal, bicomunal form of federation could be a feasible, reasonable and viable solution and all citizens will be able to enjoy equal rights and opportunities all over the island. To this day (summer 2003), the Annan plan is considered an acceptable framework and a basis for further negotiations for a search on a peaceful political settlement in Cyprus. The forthcoming accession of Cyprus to the EU in May 2004 could bring a beneficial opportunity for both parties to get involved and work out their differences and gain all the support that third parties can offer.

²⁵⁴ UN Press Release, SC/7727, *Security Council regrets failure to reach agreement on settlement plan for Cyprus, citing 'negative approach' of Turkish Cypriot leaders*, 14 April 2003.

²⁵⁵ *Ibidem*.

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A chronology of key events:

1914 - Cyprus annexed by Britain, after more than 300 years of Ottoman rule.

1925 - Becomes crown colony.

1955 - Greek Cypriots begin guerrilla war against British rule. The guerrilla movement, the National Organisation of Cypriot Combatants (EOKA), wants enosis (unification) with Greece.

1956 - Archbishop Makarios, head of enosis campaign, deported to the Seychelles.

1959 - Archbishop Makarios returns and is elected president.



Aphrodite's birthplace

Independence

1960 - Cyprus gains independence after Greek and Turkish communities reach agreement on a constitution. Britain retains sovereignty over two military bases.

1963 - Makarios raises Turkish fears by proposing constitutional changes which would abrogate power-sharing arrangements. Inter-communal violence erupts. Turkish side withdraws from power-sharing.



Makarios, ousted in 1974 but restored to power

1964 - United Nations peacekeeping force set up.

1974 - Military junta in Greece backs coup against Makarios, who escapes. Within days Turkish troops land in north to protect Turkish community, Greek Cypriots flee their homes.

Coup collapses. Turkish forces occupy third of the island, enforce partition between north and south.

Glafkos Clerides, president of the House of Representatives, becomes president until Makarios returns in December.

1975 - Turkish Cypriots establish independent administration, with Rauf Denktas as president.



Turkish Cypriot leader Rauf

1977 - Makarios dies. Succeeded by Spyros Kyprianou.

1980 - UN-sponsored peace talks resume.

1983 - Denktas suspends talks and proclaims Turkish Republic of Northern Cyprus (TRNC). It is recognized only by Turkey.

1985 - No agreement at talks between Denktas and Kyprianou.

1988 - Georgios Vassiliou elected Greek Cypriot president.

1989 - Vassiliou-Denktas talks abandoned.



UN troops keep the two sides apart

1992 - Talks resume and collapse again.

1993 - Glafkos Clerides replaces Vassiliou as president.

1994 - European Court of Justice rules that all direct trade between northern Cyprus and European Union is illegal.

1996 - Increased tension, violence along buffer zone.

1997 - Failure of UN-mediated peace talks between Clerides and Denktas.

1998 - Clerides re-elected to a second term by narrow margin.

EU lists Cyprus as potential member.

Clerides's government threatens to install Russian-made anti-aircraft missiles. Turkey threatens military action. Clerides decides not to deploy missiles in Cyprus.

2001 June - The UN Security Council renews its 36-year mission in Cyprus. Some 2,400 peacekeepers patrol the buffer zone between Greek and Turkish Cypriots. Turkey keeps 35,000 troops in the north.

2001 July - Dozens of police officers are injured as protesters attack a British military base at Akrotiri over plans to build telecommunications masts alleged to pose a health hazard.

2001 November - Turkey threatens to annex the north if the Republic of Cyprus joins the European Union before a settlement is reached.

2002 January - Clerides and Denktash begin UN-sponsored negotiations. Minds are concentrated by EU membership aspirations.

2002 November - UN Secretary General Kofi Annan presents a comprehensive peace plan for Cyprus which envisages a federation with two constituent parts, presided over by a rotating presidency.

2002 December - EU summit in Copenhagen invites Cyprus to join in 2004 provided the two communities agree to UN plan by early spring 2003. Without reunification, only the internationally recognised Greek Cypriot part of the island will gain membership.

2003 February - Tassos Papadopoulos defeats Clerides in presidential elections with just weeks to go before deadline for agreeing UN plan for the island's future.

2003 March - UN deadline for agreement on reunification plan passes without agreement. Secretary-General Kofi Annan acknowledges that the plan has failed.

2003 23 April - Turkish and Greek Cypriots cross the island's dividing "green line" for the first time in 30 years, after the Turkish Cypriot authorities say they are easing restrictions to build confidence between the communities. Within three days some 17,000 people have made the crossing.



1998: The missile issue raised regional tensions



Don't forget the missing: A Greek-Cypriot highlights an unresolved issue