

POLICY PAPER SERIES

10/2021

November 2021

REVISED, January 2022

**A PROPOSAL FOR A NORMAL STATE
The Cyprus Problem after the Five Party
Informal Conference**

Andreas Theophanous



**CYPRUS CENTER FOR
EUROPEAN AND
INTERNATIONAL AFFAIRS**

UNIVERSITY *of* NICOSIA

1993-2022 TWENTY NINE YEARS OF POLICY FORMULATION AND ANALYSIS

10/2021
November 2021
REVISED, January 2022

A PROPOSAL FOR A NORMAL STATE
The Cyprus Problem after the Five Party
Informal Conference*

Andreas Theophanous

* This paper will be published as a Policy Paper in the forthcoming issue of the *Cyprus Review*, December 2021, Volume 33, Issue 2.

A PROPOSAL FOR A NORMAL STATE

The Cyprus Problem after the Five Party Informal Conference 10/2021

Nicosia, November 2021 / Revised, January 2022

Copyright © Andreas Theophanous, Cyprus Center for European and International Affairs, University of Nicosia

Press: Cyprus Center for European and International Affairs, University of Nicosia

Andreas Theophanous

Andreas Theophanous was born in Cyprus on February 14, 1960. In 1980, he went to the USA on a Fulbright scholarship. He received his BA degree in Economics and Political Science (with distinction, baccalaureate) from Susquehanna University in 1983. In the same year he was offered an Assistantship from the Department of Economics of The Pennsylvania State University from which he received the MA and PhD degrees in Economics in 1985 and 1988 respectively. He served as Economic Advisor to the President of the Republic of Cyprus George Vassiliou from September 1990 to February 1993.

Theophanous is Professor of Economics and Public Policy, the President of the Cyprus Center for European and International Affairs and also the Head of the Department of Politics and Governance of the University of Nicosia. Theophanous' areas of interest focus on Cyprus related issues, governance in biethnic and multiethnic societies, European Integration, Eastern Mediterranean affairs, political economy and higher education. He has, among other things, also done pioneering work on the economic aspects of the day-after a solution to the Cyprus problem. He has served on national and international committees dealing with political, economic and research issues. He visited several European, American and other universities and think-tanks as a Visiting Professor, Senior Fellow and/or Guest Speaker. These Institutions include the London School of Economics and Political Science, the Brookings Institution, the Woodrow Wilson International Center of Scholars, the Australian Institute of International Affairs, the Center for European Integration Studies – University of Bonn, the Hebrew University of Jerusalem, the Begin-Sadat Center on Strategic Studies at Bar-Ilan University and the University of Tokyo.

Professor Theophanous has published several books and numerous articles on economic and political issues; these include work on the Cyprus problem, Cyprus-EU relations, EU-Turkish relations, the Eastern Mediterranean, issues of political economy and higher education. He has also organized and participated in international symposia, conferences, seminars and professional events, and has been responsible for developing and coordinating several research projects. He is also Editor of the Policy Paper Series of the Cyprus Center for European and International Affairs since 2010 and of the bimonthly electronic Newsletter, *In Depth*, since 2005.

A PROPOSAL FOR A NORMAL STATE
The Cyprus Problem after the Five Party Informal Conference

INTRODUCTION	6
I. A BRIEF HISTORICAL REVIEW	8
II. THE POSITIONS OF THE UN AND OF THE EU	10
III. THE TURKISH NARRATIVE AND THE APPROPRIATE GREEK CYPRIOT RESPONSE	13
IV. FEDERAL MODELS AND CYPRUS	18
V. THE CURRENT SITUATION AND THE ASSESSMENT OF VARIOUS SCENARIOS	21
VI. GUIDELINES FOR THE SOLUTION OF THE CYPRUS PROBLEM A Proposal for a Normal State	25
VII. THE EVOLUTIONARY PROCESS	30
VIII. EPILOGUE.....	34
POSTSCRIPT	38

INTRODUCTION

The objective of this Policy Paper is to assess the new state of affairs after the informal five-party conference under the auspices of the Secretary General (SG) of the UN on April 27-29, 2021 and to submit a brief comprehensive proposal for the Cyprus problem. Despite not issuing a joint press release, the SG of the UN Antonio Guterres announced at the time a new five-party conference in the following three months. He also noted both the Turkish Cypriot position for a two state solution and the Greek Cypriot position for a bizonal bicomunal federation with political equality, as described in the relevant resolutions of the Security Council of the UN.

The current position of the Greek Cypriot side had been the flagship of the Turkish Cypriot side for years. It was an array of Turkish maximalist claims which eventually prevented such an outcome. With its current position in favour of a two state solution, the Turkish side aims at eventually moving toward a confederal solution. With such a settlement, Cyprus as a whole will become a puppet state of Turkey. This will be the likely outcome of any attempt by the SG of the UN 'to square the circle'.

It is important for the Greek Cypriot side to explore a new approach, as the policy pursued for so many years has failed. The Republic of Cyprus should submit guidelines for a *sui generis* federal model which will give due attention both to the communities as well as to the rights of individual citizens. It must be stressed that any settlement will be the outcome of amending the Constitution of 1960 rather than enacting a new one. The amendment can be shaped with institutional arrangements promoting cooperation on governance, including the Presidency, security considerations, the Supreme Court, the territorial, and the property issues. Above all, it is essential to ensure that the Republic of Cyprus should function as a normal state after the settlement, as the SG of the UN himself has acknowledged. Furthermore, President Anastasiades in his capacity as

Head of State (and not the Greek Cypriot community leader) has the legitimacy to request from the two (out of the three) Guarantor Powers, namely the United Kingdom and Greece, as well as from the EU to contribute decisively to the reestablishment of the territorial integrity of the Republic of Cyprus. The proposed approach necessitates an evolutionary process including Confidence Building Measures (CBMs). In this respect, I reiterate and/or update comprehensive ideas which I submitted in the past as well.

The further enrichment of these ideas through their utilisation and adoption by the political forces may constitute a legitimate and substantial step to overcome the current deadlock. While the pursued policy was questioned from various political forces, there had never been a submission of an alternative comprehensive approach up until now. Such an approach is imperative as there is not much difference between a decentralised bizonal bicomunal federation with two constituent states and a confederal solution.

This Policy Paper was finalised a few weeks after the illegal visit of the President of Turkey, Recep Tayyip Erdoğan, to the occupied part of Cyprus on 19-20 July 2021. In addition to the celebrations for the anniversary of the Turkish invasion of 20 July 1974, Erdoğan and Tatar made statements in relation to the gradual opening of Famagusta. Before this visit, Turkish plans to construct a new military base for unmanned combat aerial vehicles (drones) in the occupied part of Cyprus were announced.

Taking into consideration these very bleak prospects, the Republic of Cyprus ought to formulate a clear and specific policy for the day after; both at the level of defending it and of managing the conflict.

I. A BRIEF HISTORICAL REVIEW

The Results of the Endless Cycles of Bicomunal Negotiations

While the Greek Cypriot side is facing a different political landscape in view of the next five-party conference (whenever this is held), it is essential to briefly assess the numerous cycles of bicomunal negotiations. In conjunction with the assessment of the Turkish positions, the escalating aggression of Ankara, as well as the continuing tolerance of the SG of the UN this will contribute to a better approach to the problem than the one previously advocated.

Before the Turkish invasion of 1974, the basis of the negotiations between the two communities, which had started in 1968, was a unitary state. Such a fair prospect was averted by the systematic, destabilising actions of particular internal and external players against President Makarios and his government.

The Turkish side raised the issue of a federal settlement on several occasions even before 1974. This position was rejected by President Makarios and the international community (including the Soviet Union which had supported the idea of a federation for some time) as there was no geographical basis for such a solution. After the invasion, the ethnic cleansing and the occupation of the island's northern part, the Turkish side put forward the position that 'any solution should take into consideration the new realities'.

The Greek side gradually accepted the principle of a bicomunal federation on a geographical basis. But the 'painful compromise' was not enough for the Turkish side to have an agreement for a bearable federal solution.

Upon evaluating the negotiations since the invasion to the present day, it is obvious that their framework has shifted drastically towards the positions of the Turkish side. This has been the outcome of several factors including the imbalance of power, the inadequate assessment of issues by the Greek Cypriot leadership and Athens, the neutral stance of the UN, and the tolerance exhibited by the US, the EU, Britain, as well as other powers towards Turkey.

The policy pursued all these years has not achieved its objectives. It is noted that in his last speech on 20 July 1977, President Makarios underlined that despite the painful and substantive concessions of the Greek Cypriot side there was no reciprocity from the Turkish side. It was a simultaneous expression of disappointment. In addition, he declared the necessity of a long struggle for the reestablishment of the territorial integrity and the freedom of the Republic of Cyprus. He also clarified that this was not a choice but a necessity imposed by the Turkish intransigence instead. The position that the policy of the long struggle has failed is not valid, given that this option was never adopted or utilised; it is the policy of continuous concessions that has failed.

After the informal five-membered conference on 27-29 April 2021, Recep Tayip Erdoğan and other Turkish officials indicated that the future negotiations should be held on the basis of two states. It is known that, over time, the Turkish side has made substantial gains by gradually altering procedural issues. The Greek Cypriot side cannot make such a concession because the repercussions will not be reversible.

II. THE POSITIONS OF THE UN AND THE EU

The Role of the UN

Over time, Cyprus has held great expectations from the UN. And while the stance of the UN was positive for the Republic of Cyprus before 1974, there have been drastic changes after the invasion and the new state of affairs. Despite the primacy of the occupation over other dimensions of the Cyprus problem, the Security Council adopted a neutral position and supported the bicomunal negotiations for seeking a solution. This procedure has been sustained irrespective of the fact that the Turkish Cypriot leadership is not in a position to take any major decision(s) without the approval of Ankara.

While there are justified disappointments from the stance of the UN after 1974, it is important to understand that the functioning of this Organisation is influenced by the political realities and the balance of power. In addition, in the various conflicts where the UN acts as an intermediary it does not usually take a position on the substance of the conflict. Consequently, any illusions about the role of the UN should be put aside. Indicatively, it is also noted that the ex-Director General of the Ministry of Foreign Affairs of Israel and Professor Emeritus of the Hebrew University of Jerusalem Shlomo Avineri stated in 2004, in relation to the Annan Plan, that it reflects a position which amounts to 'the UN's and the EU's favourite occupation'.*

During the informal five-party conference on 27-29 April 2021, the Turkish Cypriot leader Ersin Tatar, with the support of Ankara, submitted a proposal for a two state solution. This proposal is outside the mandate of the Security Council of the UN. The reaction of the Greek Cypriot side to this was rather modest; perhaps this was the outcome of fear for the submission of the mandate by the SG of the UN for the continuation of the efforts to find a solution to the Cyprus problem. Such an act would constitute a

* See Shlomo Avineri, 'A Deeply Flawed Peace Plan for Cyprus', *Jerusalem Post* (February 29 2004).

blackmail of the Greek Cypriot side, which, given the realities on the ground, is militarily disadvantaged. We should also be reminded that the systematic concessions made by the Greek Cypriot side after 1974 were to a great extent the outcome of the military imbalance on the island and in the Eastern Mediterranean.

In any case, it is clarified that the SG can only make suggestions. The change or the end of the mandate to the SG takes place only with a decision of the Security Council of the UN. Until such a decision is made or any other course is adopted by the Security Council, the SG is bound to follow the resolutions which describe his mandate.

It is also noted that the tolerance of the SG of the UN toward the actions of Turkey in the occupied part of Cyprus tends to undermine the credibility of the Organization itself. Even the terminology used is unfortunate to say the least. While according to the Constitution of 1960 the two communities are in equal standing, the Republic of Cyprus and the "Turkish Republic of Northern Cyprus" ("TRNC"), are not equal. It is essential to convey the message that in Cyprus there is a legitimate state member of the UN and of the EU and an occupation entity which has been created and recognized by Turkey. Consequently, there cannot be negotiations on the basis of two states.

The EU

When the Republic of Cyprus applied to become a member of the European Union (EU) in 1990, there were high expectations. Among others, there was a widespread conviction that the value system of the Union and its institutional framework in conjunction with the European ambitions of Turkey could contribute to a just resolution of the Cyprus problem. However, these convictions were not fulfilled.

The moral high ground of the Republic of Cyprus was eroded with the rejection of the Annan Plan in 2004, while the occupying force, Turkey, claimed that it had done its own fair share toward the solution of the problem. The reality, though, was different. While the Annan Plan satisfied most of the Turkish demands, most Greek Cypriots felt that its implementation would have dissolved the legitimate state, and that their position would have deteriorated. In addition, the EU did not exhibit the appropriate solidarity toward the Republic of Cyprus, while, at the same time, its tolerance for Turkey remains almost unlimited. This is because the various dimensions of the Euro-Turkish relations, as well as the entangled political and economic interests weigh much more than the principle of solidarity and other values of the EU.

The reaction of the EU in view of Turkey's systematic violations of the Cypriot Exclusive Zone (EEZ), the continuing colonisation and the hybrid warfare against the Republic of Cyprus was very limited. This persists even following the new *fait accompli* in the fenced city of Varosha and the involvement of Erdoğan in the elections for the new leader of the occupation regime in October 2020. Therefore, it comes as no surprise that the efforts of the Cypriot government for sanctions against Turkey have not had any results so far.

In the informal five-party conference on 27-29 April, the presence of the EU was downgraded due to Turkey's insistence. And while, in the discussions for the future of Cyprus, two out of the three major guarantor powers which are not members of the EU, namely Britain and Turkey, were present, the Union, of which the Republic of Cyprus is a member, was in essence a mere spectator. Consequently, it seems that a dismal precedent has been created for the Greek Cypriot side. President Anastasiades should have been more demanding on this issue. But, above all, the EU itself should not have accepted its downgrading.

III. THE TURKISH NARRATIVE AND THE APPROPRIATE GREEK CYPRIOT RESPONSE

The moral high ground, in conjunction with military strength and economic power (in the broader sense of the term) constitute three of the major factors of power in international relations and the international environment. The Republic of Cyprus had a comparative advantage in the domain of the moral high ground. This advantage, however, was eroded in certain dimensions in favour of the Turkish side following the Annan Plan. This was a result, among other factors, of the absence of a comprehensive and common narrative from the Greek Cypriot side. The objective should be the full reestablishment of the moral high ground of the Republic of Cyprus as an indispensable, even though not adequate, condition for vindication.

The Turkish and the Turkish Cypriot Narrative

The moral high ground was one of the major pillars on which the Republic of Cyprus relied upon after the invasion of 1974 and the ensued occupation. A main element of the position put forward was that Turkey had committed crimes in Cyprus, and that the occupation should end so as to reestablish the human rights and the basic freedoms of all citizens.

Turkey, in addition to its military superiority, had systematically attempted to change perceptions by promoting its own narrative. It is important to assess the Turkish narrative, which is the following:

“During the period 1963-1964, the Turkish Cypriots were expelled from the Republic of Cyprus and as a result the legitimate state ceased to exist. Since then, the Republic of Cyprus has been defunct, as it is unilaterally governed by the Greek Cypriot Administration.

In 1974, after the coup of the Greek Junta which overthrew President Makarios, Turkey intervened in accordance with the relevant article 4,2 of the Constitution in order to reestablish the constitutional order, protect the Turkish Cypriot community, and prevent the annexation of Cyprus by Greece. The peaceful Turkish intervention in Cyprus, also contributed in the reestablishment of democracy in Greece. Since then, there has been peace on the island.

Turkey tried repeatedly to contribute to a solution of the Cyprus problem, but this did not prove possible due to the intransigence of the Greek Cypriots. The year 2004 was a turning point as Turkey and the Turkish Cypriots said yes to a balanced plan of the SG of the UN, Kofi Annan, and the Greek Cypriots rejected it because they did not and do not want to share power, wealth, and the benefits of participation in the EU with the Turkish Cypriots. There were additional opportunities for the resolution of the Cyprus problem; the initiative which ended in failure at Crans Montana at the beginning of July 2017 due to the stance of the Greek Cypriot side was the most important one. Despite this, the Turkish Cypriots are in isolation, and Turkey is unjustifiably being accused and faces problems and obstacles in relation to its accession process.”

The Turkish narrative is misleading and inaccurate. The truth of the matter, though, is that it influences several decision-making centres in various countries. Turkey spends millions of dollars on University Chairs, think tanks, mass media, and human capital. And so far it has achieved a major change of perceptions. Even in the occupied part of Cyprus, Turkey has invested in universities and in think tanks as well. On the contrary, the Republic of Cyprus pursues an antiquated policy of ‘enlightenment’ which is not as productive as it could have been. And it has not yet understood the importance of such institutions. Thus, it is not surprising that, in essence, there is no Greek Cypriot narrative. Without a doubt, however, the Republic of Cyprus as a member of the EU has the potential to achieve better results.

The Appropriate Narrative of the Republic of Cyprus

The moral high ground of the Republic of Cyprus was eroded as an outcome of several factors. Simultaneously, the Turkish narrative promoted effectively its own very specific positions. Two major reasons for the inadequacy of the Greek Cypriot narrative are still, on the one hand, the absence of strategy and vision and, on the other, great confusion. In any case, one dimension of the narrative of the Republic of Cyprus could be the following:

“During the period 1963-1964, the Turkish Cypriot leadership in cooperation with Turkey attempted to destabilise the newly founded state using various means, including violence. Turkey and the Turkish Cypriot insurgents did not achieve their objectives. The state continued to function legitimately based on the Doctrine of Necessity and international law. This development was confirmed by the UN Security Council Resolution 186 on 4 March 1964.

When Turkey invaded Cyprus on 20 July 1974, utilising the window of opportunity created by the overthrow of President Makarios by the American-led Greek Junta on 15 July, it claimed that its intervention aimed at the reestablishment of the constitutional order and the protection of the Turkish Cypriot community.

On 23 July, the Junta and the putschist regime in Nicosia collapsed. G. Clerides assumed presidential duties in accordance with the Constitution (thus reestablishing the constitutional order) and suggested the return to the Constitution of 1960. Turkey rejected this proposition and continued to violate the agreed cease fire. On 14 August Turkey made a new offensive, and by 16 August it had occupied 37% of the territory of Cyprus.

It should be stressed that two days before the coup, the two constitutional experts from Greece and Turkey, M. Decleris and O. Alticasti respectively, finalised the terms of an agreement based on a unitary state with elements

of local and communal autonomy on issues of low-level politics. The draft was to be presented to the two negotiators, G. Clerides and R. Denktash, on 16 July 1974, for endorsement.

Aiming to reverse the occupation, the Greek Cypriot political leadership accepted as a painful but ultimate compromise a bi-regional bicomunal federation in 1977, which was notably interpreted differently by the two sides. The Greek Cypriot perspective was that there would be a strong central government and the two geographical zones would just be regions/provinces. The right to return for all refugees, as well as the three fundamental freedoms were considered inalienable. Conversely, the positions of the Turkish Cypriot side were much different as the focus was on a loose confederation.

Over time, one Greek Cypriot concession was followed by another to achieve a solution, but this objective did not materialise. When finally, the end result of these series of concessions took the form of the Annan Plan, the Greek Cypriots rejected it with a strong majority (75,8%). They did so as they considered that its implementation would not solve the Cyprus problem, but that, instead, it would worsen the *status quo* for them.

The Turkish policy in Cyprus is hegemonic and expansionist. This is evident in its continuous colonialism, the usurpation of Greek Cypriot properties, the non-recognition of the Republic of Cyprus and its right to exist, the attempt to legitimise the ethnic cleansing (thus, strict bizonality), its insistence on maintaining the guarantees, and the channeling of illegal immigrants from Turkey and the occupied part of Cyprus to the government-controlled area of the Republic of Cyprus. It is not an exaggeration to say that Turkey uses the Turkish Cypriot minority community like Nazi Germany did in Sudetenland just before the outbreak of the Second World War in order to conquer Czechoslovakia.

The solution of the Cyprus problem cannot depend on, and thus legitimise, the results of occupation and the expansionist policy of Ankara. On the contrary, it should seriously take into consideration the historical account and the current and future requirements for a sustainable arrangement. Such an arrangement could be based on the 1960 Constitution and its amendment, the European value system and the relevant UN resolutions. Among the major pillars of the constitutional amendments will be the disengagement from the guarantees or at least the reform of the system of guarantees, the respect of the communities and the civil liberties of individual citizens, as well as the promotion of common institutions. In addition, it is essential to have some common objectives and values.

Such a solution will secure the rights of all citizens and simultaneously turn Cyprus into a major asset for the EU and the international community in general. Among others, it will contribute to the promotion of a value system in the broader area which will include peaceful coexistence, reconciliation, democracy, and viable development.”

By utilising the proposed narrative, the Republic of Cyprus can move forward with self-confidence and have objectives which inspire its people and convince its partners.

IV. FEDERAL MODELS AND CYPRUS

Until recently and for many years, the negotiations framework for the solution of the Cyprus problem revolved around a bizonal bicomunal federation. Nevertheless, despite the convergence on various issues that has been reached between the two sides, there were different interpretations on the relevant themes. It is important to assess some major issues of federal polities and at the same time explore the implications for Cyprus. To begin with, we must see how federal polities are created:

Category A: A federation is created by the union of two or more states/component entities with the objective to achieve common goals. These include security and economic prosperity. In addition, it is implied that the component/constituent parts of a federation share a minimum set of values and objectives.

Category B: One country may evolve/transform to a federal system via the reform of its political system which has been based on a unitary state. This can be done for decentralisation purposes and/or for the satisfaction of specific objectives of some ethno-communal and/or religious groups.

Category C: These are *sui generis* polities in which it is possible to identify elements of a unitary state and federation. It could be said that the political systems of Britain and Spain belong to this category. In both countries there is broad autonomy for some regions (i.e. Scotland in the United Kingdom, and Catalonia in Spain). In addition, in these *sui generis* federal systems, it is possible to have asymmetrical situations. For example, one region may have greater autonomy and specific privileges that may not exist in other parts of the country (i.e. the Aland islands in Finland which are inhabited exclusively by Swedish-speaking people).

Another dimension of the theory of federalism is the assessment of different types of such political systems. A specific category is that of integrationalist federal models with V. Horowitz being the major theoretician. The political system of the US is a classic case. These political systems, which rely on constitutional patriotism, underline the unity of the state as well as the autonomy of the component entities. These constitutions reject ethno-communalism as a pillar of politics and give special emphasis on the respect of civil liberties and of the rights of minority groups.

Another important category is that of the models of consociational democracy, with A. Lijphart being the major theoretician. These models are based on ethno-communal and/or religious pillars. Bosnia, Belgium, and Lebanon are classic examples of such models. The Constitution of the Republic of Cyprus is also based exclusively on the model of consociational democracy. Peaceful coexistence and effective governance require a very high level of cooperation and mutual respect of the parties involved. In practice, though, this constitutes a theoretical approach rather than a reality on the ground. The success of such models is extremely difficult or even impossible, especially if the component parts are only two.

In Cyprus, there was no base for the creation of a federation before 1974. The violent displacement of a great part of the population as a result of the Turkish invasion of 1974 created a new situation on the ground.

Furthermore, Turkey has been trying to promote the creation of a federal state in Cyprus in such a way so as to influence the entire country utilising the Turkish Cypriot constituent state.

At the same time, although the Turkish Cypriots have acquired the passport and the identity card of the Republic of Cyprus and enjoy benefits as European citizens, most of them do not respect/recognise the legitimate state. Furthermore, they call the Republic of Cyprus, the legitimate state,

'Greek Cypriot Administration' and their loyalty is to the "TRNC" and Turkey. In addition, there is no common vision as to which will be the common state: the Republic of Cyprus that will evolve or a new state that will be created as a result of the mutual recognition between the Republic of Cyprus and the "TRNC". Until now the UN has been trying to overcome these thorny issues by the method of constructive ambiguity.

In addition to having to deal with the great imbalance of power, the Greek Cypriot political system and society do not seem to exhibit an adequate understanding of federalism. Consequently, the political leadership found itself discussing the creation of a federal system as an outcome of the union of two constituent states and on the basis of the model of consociational democracy. As it has already been noted, it is extremely difficult to have a promising future, especially when the constituent/component parts are only two.

Given the current situation, a settlement on the basis of a bizonal bicomunal federation with the specific provisions as those discussed until recently would be prospectively non-viable. And because the argument put forward is that the disengagement from this specific philosophy of a solution would entail a high cost, I underline that the cost of the perpetuation of this approach, and particularly its implementation, would be much higher than the disengagement. If this hypothesis is valid, then a convincing alternative policy is strategically imperative.

The prospects could be manageable if what was discussed involved the transformation of the Republic of Cyprus to a federal polity or to a *sui generis* federal model utilising provisions from the integrationalist paradigm. Under these circumstances it would be feasible to construct a viable federal system with an evolutionary process. This is a difficult task but obviously indispensable.

V. THE CURRENT SITUATION AND THE ASSESSMENT OF VARIOUS SCENARIOS

Taking into consideration all relevant factors, including the escalating Turkish assertiveness, it is of vital importance to assess the various scenarios for a solution.

Unitary State

This option is not feasible. It is noted that the 1960 Constitution was not based on a unitary state but on a model of consociational democracy, which was in essence a form of administrative federation. In the case of Cyprus, the Constitution also relied on bicomunalism. The record of such models of governance is not encouraging. The unitary state was the basis of the negotiations between the two communities before the invasion. Unfortunately, the sustained destabilisation efforts, the coup against President Makarios and, finally, the Turkish invasion frustrated this just prospect. When one takes into consideration all relevant factors, with the current imbalance of power, it is clear that the Turkish side would never consent to such a solution.

Bizonal Bicomunal Federation

Despite the endless cycles of bicomunal negotiations, from the two high-level agreements (1977 and 1979 respectively) until today, it has not been possible to reach a resolution on the basis of a bizonal bicomunal federation. Such a settlement has not been achieved despite the fact that the negotiating framework has drastically shifted toward the Turkish positions over time. In addition, the precise definition of the concept of bizonal bicomunal federation continues to be unspecified. In the event of such a solution, it is doubtful whether this will be viable. Such an entity will face problems of legitimacy, functionality, and economic viability. The fact that the 1960 settlement collapsed in about three years cannot be ignored. In sum, it is very difficult or even impossible for a such a state to be viable and functional.

Two State Solution

While the Turkish side has put forward the position of the division of Cyprus in two states, at the same time it continues to demand provisions with which Ankara would continue to influence issues of high-level politics throughout Cyprus. Turkey would never wish the stationing of a credible military power of a third power in the free part of Cyprus. In addition, with a two state solution, the Republic of Cyprus would not be a bicomunal state anymore. Moreover, the Turkish Cypriot state would not become a member of the EU. The Union would not accept it as a member given that it will be controlled by Turkey and, furthermore, it would function, among others, as a back door for Turkish immigrants to the EU. Consequently, I consider a two state settlement with internationally recognised borders and EEZ a very distant scenario, despite the benefits that the Greek Cypriot side may gain in terms of territorial adjustments that would be part of such a settlement.

Confederation

Ideally for its own interests, Turkey prefers a confederal arrangement. And this is because the Republic of Cyprus would be replaced by two equitable states that will decide on issues of security, foreign policy, and energy together. With such a settlement, the strategic control of Turkey over Cyprus would be secured. I consider that the submission of the position for a two state solution by the Turkish side aims at reaching a confederal arrangement. Certainly, such a settlement would not be functional. Among others, it is noted that the Turkish Cypriot state will not be able to follow the rules of the Eurozone. Such a settlement would not be to the interests of the EU. Furthermore, other states would not see such an outcome favourably. In sum, the interests of various regional and other powers are not served with the growth of the influence of Turkey in the Eastern Mediterranean and the broader region.

Status Quo

It is underlined that the *status quo* is, on the one hand, not static and, on the other, not a desirable situation. However, it is an outcome of developments from which at least one side considers that the continuation of the *status quo* is preferable to a specific agreement for the solution of the Cyprus problem. Since the Cyprus question is considered an intractable problem, it is important to examine other approaches which may, perhaps, contribute to the end of the deadlock. If Turkey does not change its policy which focuses on the dissolution of the Republic of Cyprus though, the continuation of the *status quo* is unavoidable.

Sui Generis Federal Model

Any federal solution of the Cyprus problem today is extremely difficult or even non feasible. Nevertheless, it is important to have objectives for the future. The objective for a federal polity (as described in Section VI of this Policy Paper) may be the end of the road of an evolutionary process (Section VII). In sum, it is noted that this will provide, among others, the continuity of the Republic of Cyprus, the amendment of the Constitution of 1960 and the inclusion of provisions from the integrationalist federal paradigm. Such a polity points to a normal state. The President of the Republic has the legitimacy to adopt and promote similar suggestions especially after the submission of proposals by the Turkish Cypriot side for a two state solution. It is unlikely though that the Turkish side will accept such a proposition. Nevertheless, it is essential that the Greek Cypriot side submit such proposals which will at least maintain the prospect of a solution in the future.

Annexation of the Occupied Territories by Turkey

Although distant, such a scenario cannot be excluded, especially if we take into consideration the personality and the objectives of Recep Tayyip Erdoğan in view of the 100 years of the Turkish Republic in 2023. In any case, the occupied part of Cyprus is under the tight control of Turkey. Such

a political action would lack legitimacy if it were not preceded by the recognition of the Turkish Cypriot entity in the occupied part of Cyprus.

VI. GUIDELINES FOR THE SOLUTION OF THE CYPRUS PROBLEM A Proposal for a Normal State

The Republic of Cyprus as a Normal State After the Solution

During the discussions for the Annan Plan, those who were against it were asked about their proposition, given their stance. In addition to the analysis of various models that could be adopted in Cyprus, I had, since 2002, submitted the position that it was essential to have a normal state. It was therefore with satisfaction that I heard after many years, in 2017, the use of this term from the President of the Republic, Nicos Anastasiades, the Minister of Foreign Affairs of Greece at the time, Nicos Kotzias, as well as from the SG of the UN, Antonio Guterres.

In this regard, it is essential to have in mind some guidelines as follows:

(1) The evolution of the Republic of Cyprus:

The continuity of the Republic of Cyprus should be ensured within the framework of the resolution of the Cyprus problem. It is inconceivable for a member state of the UN and the EU to cease to exist by its own choice, to equate itself with the "TRNC", a Turkish protectorate, and after an indirect/instant mutual recognition a new common state to be created.

Until recently, the basis of negotiations, which is codified in the relevant resolutions of the Security Council of the UN, if successful would lead to the creation of a dysfunctional political system based on ethnonationalist pillars. Such an outcome would worsen the *status quo*. Consequently, the starting point should be the Constitution of 1960 which will be amended. After all, when Turkey invaded in 1974 it declared that its major objective was the reestablishment of the constitutional order. We should be reminded that, today, the Republic of Cyprus functions on the basis of the Doctrine of Necessity, which was legitimised in March 1964 with the Resolution 186 of the Security Council of the UN.

(2) Guarantees, Foreign Troops, and the Cypriot Army:

The current guarantees system should be put aside or at least be revised, given that it was one of the sources of the problem. The Security Council of the UN could have a special role in the guarantees system. It is in any case paradoxical for any country member-state of the EU, to have guarantor powers, two of which are not even members of the Union. By the same token, there must be no foreign troops in the Republic of Cyprus.

While there should be withdrawal of all foreign troops for which there is no provision in any Treaty, it would be useful to have an enhanced, strengthened multinational force under the auspices of the UN for a provisional period.

It is also noted that in this *suis generis* federal state, there should be a Cypriot Army on the numerical base of 3:1.

(3) Presidency and Governance:

After the referendum of 2004, I submitted the proposal for a common ticket for the President and Vice President who should not be from the same community. This suggestion, which emanates from an integrationalist federal philosophy, is democratic, and, in addition, encourages the creation of common objectives.

The provisions for double majorities in the decision-making process should be revisited. Double majorities and even strong ones (i.e. 66.7%) should always apply in the cases of constitutional amendments. For certain serious issues there should be provisions for enhanced (and not absolute, i.e. 40%) double majorities, while on other issues there should only be a simple majority of those voting (and irrespective of their ethnic origin).

Taking into consideration the mixed composition of various bodies, as well as the equal representation in the Upper House, we can presume there will always be effective Turkish Cypriot participation in the decision-making process.

(4) Supreme Court:

The Supreme Court should consist of four Greek Cypriot and four Turkish Cypriot judges and one judge from the other three smaller communities (Maronites, American and Latins) of Cyprus. It is noted that in the plan that had been finalised before the coup in 1974 there was a provisional agreement for six Greek Cypriot and three Turkish Cypriot judges. In the Annan Plan the relevant provision provided for three Greek Cypriot, three Turkish Cypriot, and three foreign judges.

(5) Bicommunality:

The philosophy of bicommunality should be considered as an integral but not exclusive element of the solution framework. The same number of Greek Cypriot and Turkish Cypriot Senators in the Upper House secures the political equality of the two communities. Nevertheless, it is not possible to address all issues with the perspective of bicommunality. That is why, and among others, in the issue of the Presidency a specific idea which emanates from an integrationalist federal philosophy (see point 3) is advanced.

(6) The Importance of the Economy and of a Modern State:

The content of the solution of the Cyprus problem should be enriched with the rules of smooth operation of the economy, of society and the institutions of a contemporary state. At the same time, it is essential to take into consideration the European *acquis* and, in general, the overall developments in the EU. Among others, the creation of a unified economy is vital. The market economy should be considered

as a necessary, though not sufficient condition for the convergence of the standard of living between the two communities.

(7) Settlers:

Colonialism is by definition a war crime, while at the same time it entails political dimensions. The ultimate objective of Turkey is the gradual demographic transformation not only of the occupied territories but of Cyprus as a whole. Consequently, the issue is serious. It is within this framework that the relevant humanitarian issues which arise should be assessed. The relevant agreement between Christofias and Talat for maintaining the demographic base 4:1 and its implementation is of vital importance.

(8) The Territorial and Property Issue:

The importance of the territorial issue will be altered if instead of two constituent states there are six regions. If the Turkish Cypriot community insists on one indivisible region under its own administration, it should be accepted. Needless to repeat that, in that case, this should be a region and not a constituent state. The property issue can be addressed within the framework of the tentative agreements made so far, as well as within the market forces. It is noted that a compensation fund endowed from foreign sources as well will be supportive of the efforts of resolving this thorny issue. Nevertheless, a considerable amount is not expected to be secured. The Turkish Cypriot region, which will be around 28,7% of the territory, will have the broader possible autonomy. In the territory under the Greek Cypriot administration, it is possible to have five regions. This arrangement will not affect the composition of the Upper House which will be 50-50.

(9) Cooperation:

It is of vital importance to encourage the creation of an environment of cooperation between the two communities and the promotion of a framework of common objectives. Without such environment, any attempt of state-building will be futile. The above chapters may be explored and expanded even more. In addition to the evolutionary approach, the positive stance of Turkey, or at least its tolerance, is also significant.

There is no doubt that it is extremely difficult for these ideas to be accepted by Turkey. On the other hand, though, in case of implementation, the until recently negotiating framework will lead to a non-normal dysfunctional state and the deterioration of the situation. Consequently, the proposed philosophy must by all means be promoted, as it maintains the prospect of an eventual settlement. Toward this direction, hard work, multilateral cooperation, a pragmatic foreign policy, an effective state, and a comprehensive narrative are required. And while the Republic of Cyprus will continue to work for a settlement of the Cyprus problem, at the same time it must continually enhance the factors of power in order to face the Turkish expansionism.

VII. THE EVOLUTIONARY PROCESS

The Evolutionary Approach and the CBMs

The rejection of the Turkish positions for a two state solution is not enough. It is important for the Greek Cypriot side to have specific positions as well. Furthermore, it is essential to take into consideration that it is impossible to have a federal solution and enter a new state of affairs in 24 hours. Even in the best case scenario in which there was no distrust, suspicion, and a heavy historical past, an evolutionary path and approach would still be required. It is also underlined that the narratives of the two sides are quite opposite. The fulfillment of several prerequisites is necessary for the building of a viable federal polity; these include a minimum framework of common objectives. Currently, such a framework and a common vision for the future do not exist.

Despite a very difficult situation, the submission of suggestions for the following major CBMs, as well as the parallel simultaneous discussion of the guidelines for a settlement may prove useful and create a new momentum.

- (1) Co-exploitation of the energy sources between Greek Cypriots and Turkish Cypriots with the simultaneous delimitation of the Exclusive Economic Zone of the Republic of Cyprus and Turkey. Such a development will also help the Greco-Turkish dialogue. The parallel delimitation of the EEZ between Greece, Turkey and the Republic of Cyprus could also be proposed by the Greek Cypriot side. A common recourse to the International Court of Justice at The Hague will facilitate such a development.
- (2) Acknowledging the occupied territories as Region under Turkish Cypriot administration with the implementation of the *acquis communautaire* (i.e. suspension of Protocol 10). It is significant that the EU should undertake its responsibilities in the process of

harmonisation of the occupied territories of the Republic of Cyprus with the *acquis communautaire*. Such an action will most likely upgrade the relations of the Turkish Cypriots with the Republic of Cyprus and especially with the EU.

- (3) Return of the legitimate residents and their beneficiaries to the fenced city of Varosha under Greek Cypriot administration.
- (4) Gradual return of territories under Greek Cypriot administration. With the beginning of normalisation, the occupied village of Achna should be immediately returned under Greek Cypriot administration, and the utilisation of the entire Buffer Zone should immediately commence without obstacles.
- (5) The functioning of the airport of Tymbou and of the port of Famagusta under the auspices of the UN and the EU. The implementation of such measures will take place in a way that the legal status of the Republic of Cyprus will not be negatively affected.
- (6) Implementation of the Ankara Protocol by Turkey. Such an action entails the implementation of the Custom Union Agreement of Turkey with all member states of the EU, including the Republic of Cyprus.
- (7) Part of the normalisation of the situation would be the further encouragement of trade between the two sides; the necessary legal and health standards will be taken into consideration for this purpose.

- (8) Immediate ending of the colonisation of the occupied territories and of the hybrid warfare against the Republic of Cyprus by Turkey. These issues concern not only the Greek Cypriots, but also the Turkish Cypriots and the EU.
- (9) Discussion of issues of common interest such as the extension of cooperation as well as addressing the concerns of the two sides within the framework of a *sui generis* federal model. It is essential that the Constitution of 1960 that is based on consociational democracy is amended in a way that will include elements of an integrationalist federal model.
- (10) Turkey should assume its responsibilities. We should be reminded that when Turkey invaded Cyprus on July 20, 1974 it claimed that its objective was the reestablishment of the constitutional order and the protection of the Turkish Cypriot community. Consequently, it has to contribute toward this direction by gradually normalising its relations with the Republic of Cyprus; the first steps will include the beginning of the withdrawal of the occupation troops.
- (11) In the next elections for the European Parliament, the EU should offer two extra seats to Cyprus that will be taken by Turkish Cypriot residents of the Region under Turkish Cypriot administration. These two MEPs would come from the Republic of Cyprus.
- (12) Any solution should be the outcome of a voluntary agreement between the two sides in Cyprus. An evolutionary approach will offer the required time for the gradual strengthening of the relations between the two communities and the forging of the concept of an integrationalist federal model. In case that this is not feasible, other ways should be sought to promote peace and security within the framework of the participation of the entire territory of Cyprus, given

that this has been ensured by the accession in 2004 including Protocol 10. This cannot take place on the basis of two independent states. It is possible, though, for one region to exist under Turkish Cypriot administration, which will have the greatest degree of autonomy.

In case such measures are implemented, great benefits will accrue for all the parties involved; in addition, there will also be a drastic reduction of tension in the Eastern Mediterranean. It is understandable that for the implementation of such measures the consent of Turkey is indispensable. Even in the most likely case of rejection of these suggestions by the Turkish side, the Republic of Cyprus will have enhanced its moral high ground and will have submitted a road map for the creation of favourable conditions that will facilitate the solution of the Cyprus problem. Although this may not be possible currently, the prospect for positive developments in the future will nevertheless be maintained.

VIII. EPILOGUE

At the theoretical level, a question that is raised is whether the London-Zurich Constitution could have been functional. It is stressed that with such a Constitution, tolerance, mutual understanding, maturity and mutual respect are required. These characteristics did not exist then and do not exist today at the required level. Consequently, under the current circumstances it is not possible to secure a viable and functional settlement on the basis of a bizonal bicomunal federation. I note that, taking all relevant factors into consideration, the legitimacy deficit that existed with the birth of the Republic of Cyprus will appear again on the day after a settlement if in essence this is considered as an outcome of imposition.

In addition, while federation is discussed all these years, there has not been an adequate understanding of the federal systems as well as the different approaches. It was not comprehended that there are federal polities/systems which are not based only on ethnonationalist pillars and the model of consociational democracy. The fact that there are other forms of federation and especially those that fall under the integrationalist federal philosophy was ignored. Such a system is that of the USA, where the Constitution secures the rights of citizens irrespective of ethnic origin and religious beliefs, and, does so without relying on ethnocommunal pillars. It is noted that in 1960 in the USA, John Kennedy was elected not because it was the turn of a Catholic to become President, but as an outcome of the triumph of politics. The same, and in a more intense way, took place with the election of Barack Obama, an Afroamerican politician, in 2008 and 2012, to the Presidency of the USA.

If we judge by their results, the endless cycles of bicomunal negotiations that took place since 1974 until today, have obviously failed. It may be also said that the negotiating framework from 1974 up until today moved toward the positions of the Turkish side; nevertheless, the Turkish maximalism

prevented a solution. Despite the passing of time, the Greek Cypriot side should try to promote a new negotiating framework based on a federal approach in a way that would acquire legitimisation in Cyprus and simultaneously support externally. With Ersin Tatar as the leader of the occupation regime and the submission of the position for a two state solution, the opportunity is offered to the Greek side to take initiatives for a new approach.

At the current juncture, it is important that the Greek Cypriot side submits new ideas. Among others, it is possible to stress that in Cyprus there is a legitimate state and an illegal occupation entity. In addition, any federal arrangement must take into consideration four decisive factors:

- (a) the Constitution of the Republic of Cyprus;
- (b) the events of 1974;
- (c) the accession of the Republic of Cyprus in the EU and subsequently in the Eurozone;
- (d) the relevant resolutions of the Security Council of the UN.

Taking into consideration the suspicion and the absence of common objectives between the two communities, we must adopt an evolutionary path and process. The discussion must include the reassessment of the kind of a federal system within the framework of a settlement of the Cyprus problem. Understandably, though, no development can take place without the consent of Turkey.

It would be a pleasant surprise if Turkey changed its policy and accepted an honourable compromise. In this regard, the evolutionary process and the CBMs would facilitate finding a *sui generis* federal solution of the Cyprus problem. In such a polity, the region under Turkish Cypriot administration would have the greatest possible autonomy. At the same time, there would be effective participation in the institutions of the federal state. The gradual

building of a minimum framework of common objectives would also be feasible.

However, the expected scenario is the insistence of Turkey on a settlement in which the Republic of Cyprus would be pushed aside and the new three-headed entity that will be created would, in essence, be a Turkish protectorate. Obviously, the Republic of Cyprus would not dissolve itself; under these difficult circumstances, it must continue to function with the Doctrine of Necessity. The official state has the legitimacy to take all necessary decisions for its survival including additional constitutional amendments as well as the strengthening of the National Guard.

Finally, the projection of a narrative and a targeted communication policy are indispensable. If Turkey insists on its expansionist policy, it is appropriate to project the point that Ankara denies minority rights for the millions of Kurds of Turkey, while in Cyprus it demands a two state-solution. This is a great contradiction. It is not an exaggeration to also note that the Turkish policy in Cyprus reminds us of the practices of Nazi Germany in relation to the German-speaking people of Sudetenland and the capture of Czechoslovakia before the beginning of the second World War.

Combined with the militarisation and the islamisation of the occupied part of Cyprus, the Turkish demands remove the possibility of an understanding and a final settlement. In either case, the Republic of Cyprus must have a comprehensive policy. In addition to adopting a holistic approach and submitting specific proposals for the Cyprus problem, the continuous enhancement of the state entity is very significant. The maximum objective is the reestablishment of the territorial integrity and the end of the Turkish occupation. The minimum objective is the protection and security of the free part of Cyprus. Simultaneously, it is imperative that the Republic of Cyprus continuously enhances all the factors of power including defense. Furthermore, the enhancement and the deepening of networks of

cooperation with other powers is indispensable. Lastly, Cyprus should ask Greece and Britain to coordinate their efforts as Guarantor Powers and work toward the reestablishment of its unity and territorial integrity.

POSTSCRIPT

Given an overall environment of extremely low expectations for a breakthrough in the Cyprus stalemate, the SG of the UN did not proceed with a new informal five-party conference as he had stated in April 2021. Instead, he followed up with an informal meeting between President Anastasiades and the Turkish Cypriot leader Tatar on September 27, 2021. The meeting did take place but, not surprisingly, without any tangible results. The SG tried to maintain a line of communication between the two communities.

It should be noted, however, that the specific mandate of the new UN Envoy for the Cyprus problem, who has not yet been appointed, became a new matter of diplomatic dispute. It is obvious that the Turkish side would like to dissociate the Cyprus problem from the Security Council of the UN as much as possible.

It is essential to also note that since April 2021 the Turkish side escalated the rhetoric for a two state solution. Most likely, however, the Turkish objective remains a confederal settlement through which Ankara would exercise strategic control over Cyprus as a whole. Indeed, the Turkish Cypriot leader stated on September 10 that Cyprus should be returned to Turkey.** Additionally, given the Turkish actions in relation to Varoshia, the Cypriot government decided to withhold the Republic of Cyprus issued passport of the Turkish Cypriot leader and of other officials of the occupation regime.

** On top of that, the Vice President of Turkey Fuat Oktay stated on October 16 that, given that the Ottoman Empire occupied Cyprus in 1571, Turkey has legitimate claims on Cyprus as a whole. Oktay also stated that 'Cyprus has been ours since 1571'. It is not the first time that he has made such statements.

The President of Turkey Recep Tayyip Erdoğan tried to promote the narrative of a two state solution in Cyprus while addressing the UN General Assembly on September 22, 2021. It may be appropriate to raise the question whether what Erdoğan recommends as a solution of the Cyprus problem could apply to the Kurdish issue in Turkey.

While Cyprus celebrated its 61st anniversary of independence, there is no doubt that the prospects for a solution to the Cyprus problem in the near future are not bright. Despite this, and in addition to improving its position in the areas of defense, demography, knowledge, and above all the economy, the Republic of Cyprus must develop a comprehensive policy towards the goal of keeping the prospect of a settlement alive. Suggestions for such a policy have been put forward in this Policy Paper.

Finally, I need to stress that irrespective of whether someone agrees or disagrees with the philosophy of the suggestions in relation to the substance of the Cyprus problem and the evolutionary process, he/she will see much merit with the suggested methodology. It is extremely important to be specific with the major guidelines for the solution of the Cyprus problem as well as with the suggestions in relation to the CBMs and the evolutionary process.



**CYPRUS CENTER FOR
EUROPEAN AND
INTERNATIONAL AFFAIRS**

UNIVERSITY *of* NICOSIA

1993-2022 TWENTY NINE YEARS OF POLICY FORMULATION AND ANALYSIS