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Cyprus: Time for a Negotiated Partition? (WP)

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(1) Summary

The Greek- and Turkish-Cypriot leaders renewed negotiations in May for reunifying Cyprus, the only divided country in the EU. Little progress of substance was made during 19 months of talks between Demetris Christofias, the Greek-Cypriot President, and Mehmet Ali Talat, the former President of the internationally unrecognised Turkish Republic of Northern Cyprus (TRNC), who was defeated in April by the more hard-line Derviş Eroğlu. The international community is becoming increasingly frustrated by the lack of progress on a settlement and the idea of a negotiated partition is gaining credence.

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(2) Background and Current Situation¹

Some 70 rounds of talks between September 2008 and March 2010 between the Greek-Cypriot President, Demetris Christofias, and Mehmet Ali Talat, the leader of the TRNC over reunifying Cyprus, divided since 1974 (see Figure 1) after Turkey's military intervention as a result of inter-communal strife and an attempt to incorporate the island into Greece through a coup, made some headway on power-sharing, the economy and EU issues but very little progress on property, territory and settlers from Turkey.²

Figure 1. Cyprus



Source: BBC.

These talks followed the rejection by Greek Cypriots of the reunification plan of Kofi Annan, the former UN Secretary General, in simultaneous referenda held in April 2004 on both sides of the UN buffer zone or 'Green Line', established following the ceasefire in 1974 and which makes Cyprus today the only divided country in Europe. Greek Cypriots overwhelmingly rejected the Annan Plan (76% voted 'no'), while 65% of Turkish Cypriots

¹ I am grateful to Ender Arat, Turkey's Ambassador in Madrid, for arranging an invitation to visit the north, and to Nearchos Palas, the Ambassador in Madrid of the Republic of Cyprus (RoC), for arranging a visit to the south. I also thank the following for guiding me through the labyrinth of the 'Cyprus problem': (1) from the TRNC, Ata Atun, member of the Advisory Board; Günay Çerkez, President of the Turkish Cypriot Chamber of Commerce; Mustafa Davulcu, First Secretary at the Foreign Affairs Ministry; Sümer Erkmen, President of the Immovable Property Commission; Derviş Eroğlu, President of the TRNC; Osman Ertuğ, coordinator of the Advisory Board; Zeliha Khashman, member of the Advisory Board; Kemal Gökeri, member of the Turkish Cypriot Negotiating Team; Ali Korhan, Underscretary of the State Planning Organisation; Mehmet Ali Talat, former President of the TRNC; and Hasan Varoğlu, Third Secretary of the Foreign Affairs Ministry; and (2) from the ROC, Alexis Galanos, Mayor of Famagusta (occupied by the Turkish army since 1974); Soulla Hadjikyriacou, Chief Editor of Cyprus Broadcasting Corporation; George Iacovou, Presidential Commissioner; Loucas Louca; Manthos Mavrommatis, President of the Cyprus Chamber of Commerce; and George Vassiliou, former President of the Republic of Cyprus. I also thank Simon Bahceli of the *Cyprus Mail*; Ayla Gurel and Mete Hatay, of PRIO; Michael Moran; Fiona Mullen, Director of Sapienza Economics; Hugh Pope, Turkey/Cyprus Project Director for the International Crisis Group; and Juan José Urtasún Erro, Spain's Ambassador in Cyprus.

² Turkey intervened as a result of its unilateral interpretation of the 1960 Treaty of Guarantee (the UK and Greece were the other signatories) which was part of the accords that established the Republic of Cyprus when it became independent from the UK. Its intervention is commonly called an invasion in the western media and particularly by Greek Cypriots. I have preferred to use the less emotive term. The UN uses the vague term 'events of 1963 and 1974'. Whether Turkey's division of the island into Turkish and Greek sectors and the stationing of thousands of Turkish troops for the last 36 years can be justified is another matter.

voted 'yes.' Both Tassos Papadopoulos, the then Greek-Cypriot President from the centrist Democratic Party (DIKO), and Rauf Denktaş, the veteran and founding President³ of the TRNC (first elected in 1976), called for a 'no' vote.

Greek Cypriots voted in the referendum knowing that whatever the result Cyprus would join the EU the following week. It would have been easier to get an agreement approved on both sides if Cyprus's EU entry had not gone ahead until a reunification deal had been agreed, but that was not possible because Greece made the enlargement of the EU, through the incorporation of Eastern and Central European countries, conditional on including Cyprus. This is now commonly recognised as a mistake by some EU governments.

The whole of Cyprus joined the EU on 1 May, but the *acquis communautaire* are technically 'suspended', effectively making those Turkish Cypriots who do not have Republic of Cyprus passports second-class citizens within the Union.

Greek Cypriots had no immediate motivation to vote 'yes'; they regarded the Annan Plan as an imposition by the international powers and a zero-sum game for them, particularly as they perceived it as not providing for:

- The removal of all Turkish troops and settlers and the elimination of the treaty allowing the UK, Greece and Turkey unilaterally to intervene in Cyprus.
- Adequate guarantees to ensure that the commitments undertaken by the parties involved would be carried out.
- A property recovery system that appropriately recognised the rights and interests of displaced Greek Cypriots who were forced from their homes in 1974, and a property compensation arrangement that did not require Greek Cypriots to fund their own restitution.
- The right of all Cypriots to acquire property and to live wherever they chose in the country without restrictive quotas.
- A government that functioned without deadlocks or voting restrictions based on ethnicity.

In his report to the UN Security Council, a month after the referendums, Annan called the rejection by the Greek-Cypriot electorate 'a major setback' as 'what was rejected was the solution itself rather than a mere blueprint'.⁴ The size of the 'no' vote raised 'fundamental questions' because while Greek Cypriots 'strongly state their wish to reunify, many see in a settlement very little gain, and quite a lot of inconvenience and risk'.

³ Greek Cypriots refuse to use the term 'President' and if they do, they always put it in inverted commas. Instead, they use the term 'Leader'.

⁴ In a sharp divergence from normal practice, Russia, an ally of the Greek Cypriots, ensured that this report was never considered by the UN Security Council.

Turkish Cypriots, on the other hand, were clearly motivated to vote 'yes' and unlike Greek Cypriot voters turned their backs on their leader. The Council of the EU pledged to reward the Turkish Cypriots for a 'yes' vote by reducing their isolation (see the section on direct trade), but the Republic of Cyprus's first action as an EU member was to block this gesture. The Turkish government reacted by renegeing on its promise to implement the Additional Protocol to the customs union and open up its seaports and airports to Greek-Cypriot traffic and recognise the Republic of Cyprus. Although not an EU country, Turkey has been part of the EU's Customs Union since 1996. As a result, the EU summit in December 2006 suspended eight of Turkey's EU accession chapters and Cyprus has since then frozen another six (see the section on Turkey).

The pro-reunification Talat replaced Denktaş as President in 2005 and he and Papadopoulos attempted to re-start talks but they soon stalled. Christofias, the head of the nominally communist Progressive Party of the Working People of Cyprus (Akel),⁵ became President in 2008 and talks with Talat moved into a higher gear, raising expectations, particularly in the international community, that a deal really would be reached after so many years. Too much, however, was made of the ideological similarities between the two leaders and of the 'chemistry' between them, both of which elements were hyped up, and led to the too often repeated mantra that they represented a 'unique opportunity' for reunification.⁶

Akel had also urged its supporters to vote 'no' in the 2004 referendum, claiming that it could get a better deal if Christofias won the 2008 presidential election.⁷ Talat and Christofias agreed to conduct negotiations under the overriding principle of 'nothing is agreed unless everything is agreed' and to use the UN solely as a facilitator –more like a silent observer that does not officially table any proposals– and without timetables and any possibility of a new arbitration. The negotiating framework was set out in two joint statements on 23 May 2008 and 1 July 2008 when the two leaders reaffirmed their commitment to a 'bi-zonal, bi-communal federation with political equality as defined by relevant UN Security Council resolutions. This system would have a federal government with a single international personality, as well as a Turkish-Cypriot Constituent State and a Greek-Cypriot Constituent State, which will be of equal status'.

The two sides, however, have conflicting views on what constitutes bi-zonality. For the Turkish Cypriots it means preserving as much as possible the post-1974 *de facto* situation,

⁵ The only one of its kind ruling an EU country.

⁶ See the author's Working Paper at

http://www.realinstitutoelcano.org/wps/portal/ri/elcano_eng/Content?WCM_GLOBAL_CONTEXT=/elcano/elcano_in/zonas_in/europe/dt61-2009.

⁷ Akel was going to support the Annan Plan until Papadopoulos let it be known, before the referendum, that unless the party's four ministers in his government supported him he would replace them with 'no'-voting ministers. Akel put its political interests above those of a reunification solution.

particularly regarding 'residency' and 'property', thus ensuring a substantial majority of both population and property ownership in their constituent states. The Greek-Cypriot side, on the other hand, regards it as a painful compromise which should be compensated by restoring as much as possible the pre-1974 situation, also regarding 'residency' and 'property'.

Talat and Christofias devoted most of their time to governance and power-sharing (20 of the 71 meetings). The previous power-sharing system established by the 1960 Constitution broke down. Between 1963, when Turkish Cypriots withdrew from or were scared out of government following inter-communal strife, and 1974, when Turkey occupied the northern part, Turkish Cypriots were reduced to something much less than a 'protected minority'. Many took refuge in enclaves. The Greek-Cypriot administration of Archbishop Makarios, during this period, was viewed by the international community at large and by two of the guarantors (the UK and Greece) as the *de facto* Cyprus government and as the years passed as the *de jure* Cyprus government.⁸ Turkish Cypriots understandably question the legitimacy of the Greek-Cypriot administration as the government for the whole of Cyprus.⁹ For them, the Republic of Cyprus, as established by the 1960 Accords, ceased to exist in 1964 and there are now two *de facto* Cypriot administrations/states on the island.

Convergences were reached by Christofias and Talat on a rotating presidency, vice-presidency and cross-voting, though not the details on how they would be elected. The Annan Plan provided for a rotational presidential council on a 2:1 ratio, despite the population ratio being 4:1. The Turkish Cypriots sought a 3:2 ratio. The Annan Plan provided for a 6:3 ratio for the Council of Ministers. The Turkish-Cypriot side pushed for a 7:5 ratio.

The Greek-Cypriot proposal includes the election of the President and Vice-President directly by the people, through cross-voting. The official Turkish-Cypriot position is for

⁸ This is cogently explained by Michael Moran in his study *Britain and the 1960 Cyprus Accords: A Study in Pragmatism* (Global Political Trends Centre, 2009) which uses the British diplomatic exchange of letters and telegrams (released under the 30-year rule) between 1964 and 1969 to show that pieces of legislation by the all-Greek Cypriot government were clearly in breach of the 1960 Constitution and to the detriment of Turkish Cypriots. But nothing was done about this. 'So today British diplomats –like most of their colleagues in the EU– are most reluctant to question the legitimacy of Cyprus's now long-accepted all-Greek government', says Moran.

⁹ The two communities have very different narratives of the recent history of Cyprus, something that continues to be reinforced by the slanted teaching of history by both communities, particularly on the Greek Cypriot side, where schoolbooks are outrageously distorted and too ethnocentric. The Greek Cypriot government sought to change the books in 2008 but backed down after opposition from the Greek-Orthodox Church and the teachers' union. Greek Cypriots tend to see the island's problems as starting in 1974, overlooking the conflict between the two communities long before that, while Turkish Cypriots date them to the 1960s when they see themselves as being deprived of many things, including political representation in their own country.

the President and Vice-President to be elected by and come from the Senate, where each community has an equal number of seats. However, it has been prepared to discuss cross-voting. Under cross-voting, Greek Cypriots would have a small say in the election of the Turkish-Cypriot President/Vice-President and Turkish Cypriots would have a small say in the election of the Greek-Cypriot President/Vice-President. The vote of Greek Cypriots for the election of the Turkish-Cypriot President/Vice-President would be weighted and be equal to the proportion of Turkish Cypriots registered in the joint electoral list. The Greek Cypriots see cross-voting as promoting unity and weighted voting is an inevitable consequence of cross-voting. The President and Vice-President would not have the right of veto, while decisions would be taken by Ministers appointed by the President and Vice-President, respectively, for each community.

Christofias told the National Federation of Cypriots in the UK in May that ‘if we wish – and we do– to overcome the separatist element of separate voting, which is provided in the 1960 Constitution and perpetuates the division, then there is no other way but to weight the vote of the largest community of the population. The real choice is either to return to the provision of the 1960 Constitution for the election of a Greek Cypriot and a Turkish Cypriot through separate voting, or for them to be elected through a common ballot and each community to have a say for both. The first choice maintains the division. The second promotes unity and consensus, compels by necessity, the candidates to appeal not only to their community but also to the other community because without the votes from both communities they would not be elected’.

The rotating presidency is not a new idea; it has a long history and started appearing in UN documents in the 1980s. Many Greek Cypriots, however, are not happy with it. They question why there should be power sharing with an ethnic community that only represents around 18% of the total 1 million population of Cyprus, and the Greek-Cypriot administration is universally recognised except by Turkey.

A recent opinion poll, commissioned by the socialist party EDEK, found that 72% of Greek Cypriots were opposed to a rotating presidency and 56% of respondents believed that weighted voting for the presidential elections was a violation of the ‘one man, one vote’ principle. Even if all other Greek Cypriot proposals for a settlement were accepted by the Turkish-Cypriot side, the poll found that 52% would still be opposed to a rotating presidency.

Greek Cypriots’ unease is compounded by the considerable lack of understanding of the functions of a President in a United Cyprus Republic (in turn, the result of a poor public-relations exercise on both sides) –whose powers would be considerably less than those of the current and powerful Greek-Cypriot presidency– and the lack of trust and confidence on both sides. Some prominent Greek Cypriots even believe the rotational system would mean a Turkish-Cypriot President could legally strive for Cyprus’s union with Turkey.

On the issue of settlers (from Turkey), Christofias placed on the negotiating table with Talat a ceiling of 50,000 for the number that could stay in Cyprus. He also demanded a population census prior to a reunification settlement in order to clarify who are settlers and who are not, so that the United Cyprus Republic would be in a position to know who will acquire Cypriot citizenship. The figure of 50,000 is around the actual number of settlers of Turkish origin who have been granted TRNC citizenship out of a total Turkish-origin population of around 115,000.

Turkish Cypriots, on the other hand, insist that all the TRNC citizens (estimated to be 195,000 in 2010) should be allowed to have the United Republic Citizenship after a solution. According to the 2006 Turkish-Cypriot census, 42,572 (out of 178,000) of the TRNC citizens have their mother and father born in Turkey (see Figure 2).

Figure 2. Turkish-Cypriot Census, April 2006

Citizens according to the Census	Number
'TRNC citizens' with both parents born in Cyprus	120,007
'TRNC citizens' with one parent born in Cyprus	12,628
Subtotal: implied Turkish-Cypriot population with 'TRNC citizenship'	132,635
'TRNC citizens' with both parents born in Turkey	42,572
'TRNC citizens' with one parent born in Turkey, other neither in Turkey nor Cyprus	490
Subtotal: implied settler population with 'TRNC citizenship'	43,062
Neither parent born in Turkey or Cyprus	2,206
At least one parent born neither in Turkey nor Cyprus or not indicated	128
Total 'TRNC citizens'	178,031
'Non-TRNC citizens' with Turkish citizenship only	70,525
Subtotal: implied settler population without 'TRNC citizenship'	70,525
Other 'non-TRNC citizens'	8,088
Total <i>de jure</i> population excluding Turkish army	256,644

Source: www.devplan.org.

While the Annan Plan provided the constituent states with a right to conclude international agreements on commercial and cultural matters, the Turkish-Cypriot side under Talat demanded this right for all the competences of the federated units which would contravene the agreed principle of a single international personality. The Annan Plan recommended a single Flight Information Region (FIR), as at present, while the official Turkish-Cypriot position is to have two.

Positive developments during the Talat-Christofias negotiations were the opening of another crossing point between the two communal zones and work on opening another; top Turkish leaders met Greek-Cypriot civil-society groups for the first time in Ankara and the Greek-Cypriot Church broke taboos and initiated contacts with the Turkish government. On the very sensitive issue of property compensation, a judgement in the European Court of Human Rights (*Demopoulos v. Turkey*) favoured Turkish-Cypriot arguments and a ruling by the British Court of Appeal (*Apostolides v. Orams*) favoured Greek-Cypriot arguments.

Talat worked hard for a reunification deal, but he lost the April 2010 election to the more nationalistic Derviş Eroğlu, the former Prime Minister who, on the basis, at least, of his stance during his long political career, is less enthusiastic about a settlement and more inclined towards a two-state solution.¹⁰ Eroğlu won a decisive victory in the first round, capturing 50.4% of the vote (22.7% in the 2005 election) compared with Talat's 42.8% (see Figure 3). The writing was on the wall for Talat when Eroğlu won the parliamentary elections in 2009 (see Figure 4).

Figure 3. TRNC Presidential Election Results, 2010 and 2005 (1)

	Votes cast	% of total votes
Derviş Eroğlu (National Unity Party)	61,491 (22,869)	50.4 (22.7)
Mehmet Ali Talat (2)	52,302 (55,943)	42.8 (55.6)
Other parties (3)	8,287 (21,813)	6.8 (21.7)
Turnout (%)	76.4 (69.6)	–

(1) 2005 results in brackets.

(2) Talat ran in 2010 as an independent and in 2005 for the Republican Turkish Party.

(3) Five in 2010 and seven in 2005.

Source: Turkish-Cypriot Electoral Commission.

Figure 4. TRNC General Election Results, 2009 and 2005 (1)

	% of total votes	Seats
National Unity Party	43.97 (31.71)	26 (19)
Republican Turkish Party (2)	29.34 (44.45)	15 (24)
Democratic Party	10.64 (13.49)	5 (6)
Communal Democracy Party	6.87 (5.81)	2 (1)
Freedom and Reform Party	6.20 (–)	2 (0)
United Cyprus Party	2.42 (–)	0 (0)
Politics for the People Party	0.50 (–)	0 (0)
Independents	– (–)	
Turnout (%)	81.70	

(1) 2005 results in brackets.

(2) In 2005, the RTP was joined by United Forces.

Source: Turkish-Cypriot Electoral Commission.

Voters punished Talat for, among other things, his failure to reach a settlement, about which he had been overconfident. Although the primary function of the TRNC President is to negotiate a deal, it was felt that Talat concentrated too much on the power-sharing issue which does not resonate with citizens as much as property, the issue of greatest popular concern.

The votes of settlers from Turkey played an important part in Eroğlu's election, though not as decisive a one as Greek-Cypriot propaganda would have one believe. Talat won the urban vote (including that of public-sector workers) and Eroğlu the rural one, but many of the rural voters were Turkish Cypriots and not just immigrants from Turkey

¹⁰ See the author's analysis of the election at http://www.realinstitutoelcano.org/wps/portal/ri/elcano_eng/Content?WCM_GLOBAL_CONTEXT=/elcano/elcano_in/zonas_in/europe/ari74-2010.

who gained TRNC citizenship and thus the right to vote. According to Mete Hatay, a respected political analyst, Eroğlu won 56% of the settlers' votes compared with 29% in the 2005 election, while Talat gained 30% of the settlers' vote (35% in 2005). The settler's votes constitute almost 24% of the electorate.

Eroğlu played on settlers' fear that a deal by Talat would result in them having to return to Turkey. Talat's decision to carry on negotiating while he was campaigning worked against him as it looked as if he was making concessions to the Greek Cypriots. Settlers who acquired citizenship also felt excluded from the patronage system of Talat's party.

Christofias, despite the ideological affinity with Talat and his apparent commitment to reach a settlement, did nothing to enhance Talat's chances at the polls (for example, he refused to issue a substantive statement on the progress made), either because he was fearful of being accused of interfering in the internal politics of the TRNC, was not prepared to face down his opponents in his coalition government over a settlement or because he found the prospect of Eroğlu's victory politically convenient as it might lessen the chances of a settlement and the Turkish Cypriots would then be blamed for the collapse of negotiations. The blame game is very much part of the negotiating process on both sides; more, however, by the Greek Cypriots. Every time that Talat had something positive to say about the negotiations, Christofias would come out with something negative, adding to the general negative atmosphere in the TRNC. The Turkish government also did nothing to favour Talat as it could have done.

Despite his hawkish reputation, Eroğlu quickly agreed to resume the negotiations where Talat had left off, and he kept Kudret Özersay, who had been heavily involved in both the governance and property chapters, in the negotiating team, promoting him to the top position of representative. He also established an Advisory Board which reflects a wide spectrum of views, not all of them in favour of reunification. Eroğlu confirmed his readiness in a letter five days after becoming President to the UN Secretary General Ban Ki-Moon (see Appendix B). However, he was criticised by Nicos Anastasiades, the leader of the right-wing DISY party, at a lunch with EU ambassadors on 6 May for specifying in this letter 'only a selection' of the negotiating framework agreed by Talat and Christofias in their joint statement of 23 May 2008. Eroğlu referred to 'bi-zonality', 'political equality' and 'equal status of the two constituent states' but, said Anastasiades, 'refrains from even using that very basic word of Federation. And a Federation also implies a single sovereignty, a single international identity and a single citizenship. These are the two sides of the coin. Choosing *a-la-carte* will only lead us to a dead-end'. The Greek Cypriots were also upset that Eroğlu failed to refer to the 1 July 2008 sovereignty-related statement in his letter to Ban Ki-Moon.

Despite its very different ideology, DISY, the main opposition party, had initially been more supportive of Christofias's settlement efforts than the centre-right party DEKO, which is part of the coalition government. The third party in the government, EDEK (socialist) quit the coalition in February over its 'total disagreement' regarding the reunification strategy. Some political analysts say Christofias should ditch DEKO and form a government with DISY. The constant sniping by DEKO weakens Christofias' position, but also it can be conveniently used to justify not making proposals more to the liking of the Turkish Cypriots.

Christofias also sent a letter to Ban Ki-Moon and EU leaders (see Appendix B), saying Eroğlu had been 'supported by the vote of illegal Turkish settlers'. The letter so annoyed the Turkish-Cypriot negotiating team –by starting the 'blame game' even before the two leaders resumed negotiations– that at least one member of Eroğlu's Advisory Board recommended he call off the talks. Other elements that angered the Turkish-Cypriot side were that: (a) the letter repeated the arguments of 'invasion and occupation' without mentioning the Greek military coup that preceded and necessitated the Turkish intervention and the 11-year-long ordeal of the Turkish Cypriots; (b) ignored the existence of the Treaty of Guarantee; painted an intransigent picture of Eroğlu based on his past record, overlooking the fact that it was under his governments that fundamental parameters for a solution, such as bi-zonality, bi-communality and political equality had been agreed; and (c) attempted to discriminate between and among Turkish-Cypriot citizens and selectively mentioned 'single sovereignty, single international personality and single citizenship' while ignoring 'two Constituent States of equal status' as mentioned in the Joint Statement of 23 May 2008.

Nevertheless, negotiations began again on 26 May and were then almost postponed at the second meeting on 3 June after remarks by Eroğlu regarding the framework for negotiations were interpreted by Christofias as questioning the basis for a settlement. Christofias had planned to boycott the meeting, but by the time Alexander Downer, the UN Secretary General's special adviser on Cyprus, was informed 10 minutes before the meeting was scheduled to take place the Turkish-Cypriot team was already en route. When Christofias realised that Eroğlu would not turn back, he announced he was coming to the meeting, and he arrived 50 minutes late. When Eroğlu learned that Christofias was coming to the meeting after all and was on his way, he was persuaded by Downer to stay and not leave as he had intimated.

The property issue is now at the top of the agenda, after making almost no progress when Talat was negotiating. The Greek Cypriots are seeking to link it to the issues of territory and settlers –the three matters are closely entwined– but the Turkish Cypriots are not happy with this because of its potential impact on the regions and people affected.

The UN Security Council adopted a resolution on 16 June renewing the mandate of the peacekeeping force in Cyprus for a further six months. The resolution ‘emphasises the importance attached by the international community of all parties engaging fully, flexibly and constructively in the negotiations, echoes the Secretary General’s view that a solution is well within reach, and looks forward to decisive progress in the near future building on the progress made to date consistent with the hope expressed by the two sides on 21 December 2009 that, if possible, 2010 would be the year of solution’. The words ‘if possible’ were added after the Greek-Cypriot side, supported by Russia (always a close ally) and France, said the original text effectively placed ‘suffocating deadlines’ on the talks. The watering down of the resolution means there is much less pressure in that document to reach a deal.

Downer, a former Australian Foreign Minister, has become increasingly critical and frustrated at the lack of progress since September 2008 and the time spent on semantics, making himself not very popular, particularly with Greek Cypriots for his outspokenness. In a revealing and frank interview in early June with the *Cyprus Observer*, a weekly newspaper in the TRNC, he said: ‘A lot of people love the verbal minefield, for many of them it’s an excuse never to reach an agreement; they have different definitions of the same words, they’re mainly English words, they define them differently, they debate them differently... If you want Cyprus to be the global capital of semantic debate that’s one option for Cyprus, if you want to solve the Cyprus Problem that’s another’. He went on to say ‘it’s easy to sound in favour of a solution... you can train a parrot in a pet shop to say that’.

The two sides, during the preparatory phase before the Talat-Christofias negotiations started in September 2008, agreed 22 confidence building measures, such as quick passage over the ‘Green Line’ for emergency cases of Turkish Cypriots going to a hospital on the other side and actions regarding cultural heritage, but implementation has been very slow. To date, only four have been publicly announced: the crossing of ambulances, the appointment of an Advisory Board for cultural heritage, the distribution of a jointly prepared road safety leaflet and the Joint Contact Room for cooperation on crime and criminal matters. ‘Some of them are really good’, said Downer in the interview, ‘but some of them have just got bogged down in politics. They’re not confidence building measures if they get bogged down in politics – they can be confidence destroying measures, so it’s important to be wide eyed about them’.

The Greek-Cypriot government’s relentless efforts to isolate the TRNC as much as possible have also undermined confidence-building measures and the general climate of trust between the two communities. Earlier this year the Turkish-Cypriot development agency YAGA was expelled from the World Association of Investment Promotion Agencies under pressure from the Greek Cypriots.

Downer has let it be known that the UN does not want the talks to go on for years. When he briefed EU ambassadors in Cyprus in June he reportedly told them it had taken him two years to learn that when Greek and Turkish Cypriots said they supported negotiations for reunification the words were meaningless as neither side was really committed.

The UNFICYP, set up in 1964, is one of the longest-running peacekeeping missions in the world. There are currently 1,100 personnel (around 850 troops, 60 police officers and the civil affairs branch and administration), a large part of whose costs are paid for by the Greek-Cypriot government, compared with a peak of 4,440 for a period after the 1974 fighting. There has been a debate among UN officials that the peacekeeping force should be reduced, something the Greek-Cypriot side would be deeply unhappy about as there are an estimated 30,000 Turkish troops in the TRNC, which feeds into their fears of insecurity. Any of the permanent members of the UN Security Council could veto its continuation, but none has ever done so.

Ban Ki-Moon, the Secretary General, was not very enthusiastic about re-starting negotiations after Talat and Christofias failed to reach a settlement. The Turkish-Cypriot side would like to see a solution by the end of the year, but for the Greek Cypriots the word deadline is taboo. Greek Cypriots are also less keen to meet as often as the Turkish Cypriots.

Christofias has said he will not run for the presidency in 2013 if he does not reach a settlement, and he would not give his blessing to one if he did not believe it stood a good chance of being approved in a referendum. A deal, as in 2004, has to be approved by referendums on both sides. Greek Cypriots show little enthusiasm for a settlement, but were he to recommend a 'yes' vote –as his predecessor Tassos Papadopoulos pressed for a 'no' vote in 2004– he would probably carry the day.

'It's not a negotiating process if there are just constant meetings but nothing ever happens at them, that's not a negotiation', said Downer. 'We don't apply a specific time line to these talks, but time is not on their side. They've had many years to sort this problem out in the past, they've had many attempts, but none of them have succeeded'.

In an unusual step, the UN will produce an important report in November –just five months after its last one– which will detail the progress of Christofias and Eroğlu until then. 'We'll just call it as it is in that report. If we see that one side is more responsible for the problems than the other well we wouldn't hesitate but to say it', said Downer. This has made both sides nervous; the name of the game on both sides until the report is released seems to be to ensure that the other side has the finger pointed at it for being more intransigent than the other. In the event of the UN being convinced there is no

likelihood of a settlement, it would not be surprising if it withdrew its good offices mission. This would then raise the prospect of a negotiated partition.

(3) Property

Only one joint paper (on categories of properties) was produced by Christofias and Talat during the 18 meetings in which this very sensitive issue was discussed. Despite this, Christofias and Eroğlu agreed to tackle the issue in their first meetings rather than seek further progress in the power-sharing chapter. They were encouraged by Downer to do so in order to avoid back-tracking on chapters where there had been progress. Talat believes this is a tactical error and it should be the priority, as everything would then flow from it. The new Turkish-Cypriot negotiating team believes Talat concentrated too much on this issue, very important though it is. The Greek Cypriots insist on linking property to the related issues of territory and settlers which the Turkish-Cypriot side opposes.

The property question stems from the large numbers of people displaced as a result of the inter-communal strife in 1963-64 (around 23,000 Turkish Cypriots were confined in enclaves) and Turkey's military occupation in 1974. Some 162,000 Greek Cypriots in the north fled or moved south where the original Greek Cypriots numbered 344,000 and 48,000 Turkish Cypriots living in the south went to the north, where around 70,000 Turkish Cypriots lived. Until the lifting in 2003 by Rauf Denktaş, the TRNC President, of the 29-year ban on travel to and from the north of the island, Cypriots could not visit their respective properties.

The Interior Ministry is the 'custodian' of Turkish-Cypriot properties in the south and as such is responsible for looking after them. The actual practice in the south generally prevents Turkish Cypriots from reclaiming their properties –including receiving compensation or any payment due to them– until a comprehensive reunification settlement is reached. In essence, the Turkish-Cypriot owners remain the title holders of their properties although some homes have been used to house needy Greek-Cypriot refugees. Some non-resident Turkish Cypriots have sold properties transferred to them by resident Turkish Cypriots. The majority of Greek-Cypriot properties in the north are inhabited by Turkish Cypriots.

There are considerable differences over the amount of land that is respectively owned by the two communities. While the Greek-Cypriot side estimates the 1974 figure for Greek-Cypriot-owned land in the TRNC at 78% of all privately-owned land, the Turkish-Cypriot side puts it at 64%. Similarly the Turkish-Cypriot figures for Turkish-Cypriot-owned land in 1974 in both sides of the island (33% of all private land in the north and 22% in the south) are at variance with the Greek-Cypriot side.

The Greek-Cypriot position is that, since international case law has established that all Greek-Cypriot and Turkish-Cypriot property belongs to the pre-1974 dispossessed owners, they should be entitled to decide freely the preferred remedy based on reinstatement, compensation or exchange. If the owner wants reinstatement but wishes to sell or rent the property the current user would have the first priority. If the owner opts for reinstatement, the relocation of the user would be carried out in a manner compatible with international law and the relevant international principles. It is widely believed that very few dispossessed owners in either community would actually return to live in their original homes, although up to 90,000 Greek Cypriots reportedly say that property and land belonging to them should be returned.¹¹

The Turkish-Cypriot side opposes the original owners having the final say because this would undermine bi-zonality, create uncertainty and ignore the rights of the current users (who have accumulated rights to a home under the European Convention of Human Rights). Depending on how many properties were repossessed, it might not guarantee Turkish Cypriots the majority of land ownership and property in their respective constituent state, and could make them a minority in terms of population and ownership.

The property issue has been the subject of many cases at the European Commission and the European Court of Human Rights (ECHR), many of them by the Greek-Cypriot state or by individuals, and in all of those in which Turkey was the plaintiff (the Republic of Cyprus has had cases brought by Turkish Cypriots), Turkey has been found to be in breach of the European Convention as regards rights to property.¹² The standard line on the Turkish-Cypriot side until fairly recently was that the decisions were political ones dressed up as principles of law and that the property issue should be resolved through inter-communal negotiations and not through the courts. In response to ECHR cases, the TRNC established in 2006 an Immovable Property Commission (IPC) as a local remedy for property claims, and in March 2010 the ECHR, in a landmark ruling, upheld the IPC as an accessible and effective redress for Greek-Cypriots' complaints about deprivation of property in northern Cyprus. The decision quashed the view argued by the Greek-Cypriot authorities and applicants that the IPC was not valid as it was in the 'illegally occupied territories'. Greek Cypriots are not at all happy with the decision, regarding it in a poignant irony, like the Turkish-Cypriot side in cases that went against its interests, as politically motivated.

¹¹ See the public opinion survey conducted on the property issue during October 2009 and coordinated by Alexandros Lordos and Erol Kaymak (www.cyprus2015.org).

¹² The issue is well explained by Kudret Özersay & Ayla Gürel (2008), 'Property and Human Rights in Cyprus: The European Court of Human Rights as a Platform of Political Struggle', *Middle Eastern Studies*, nr 44 (2), p. 291-321.

The ECHR stated in its decision on *Demopoulos v. Turkey* and seven other cases that ‘pending resolution of the illegal occupation of northern Cyprus it was crucial that individuals nonetheless continued to receive protection of their rights on a daily basis’ and ‘if there was an effective remedy available for their complaints the rule of exhaustion applied. In the light of the many changes some 35 years after the properties were left, it would risk being arbitrary and injudicious for the Court to impose an obligation to effect restitution in all cases –which would result in the forcible eviction and re-housing of many men, women and children– even with the aim of vindicating the rights of victims of violations of the Convention’.

The IPC decides on restitution, exchange of the property or payment of compensation. As of 25 June 2010, 569 applications had been lodged and 113 of them concluded through friendly settlements and four through formal hearing. The IPC with the help of the Turkish government has so far paid £43.4 million to the applicants as compensation. It has also ruled for exchange and compensation in two cases, for restitution in one case and for restitution and compensation in five cases.

Parties who are not satisfied with the IPC’s decision have the right to apply to the TRNC’s Administrative Court and if the applicant is still not satisfied with the judgment an application can be lodged before the ECHR but this can be a long and expensive process and the Court may uphold the decision of the IPC. The hope, at least on the Turkish-Cypriot side, is that the IPC will be increasingly seen as the best solution in the absence of a comprehensive reunification settlement. Applications to the IPC have to be made by the end of 2011 unless the ECHR grants an extension. The Greek-Cypriot government is far from encouraging citizens dispossessed of their properties to use the IPC: George Iacovou, a close aide of Christofias and his representative in the negotiations, complained in June that the IPC was only paying one-tenth of the value of the properties, although he was probably referring to prevailing market prices in the south, rather than the price that affected property can currently fetch in the north. Moreover, in June the ECHR granted financial damages to Greek Cypriots that were rather closer to that paid by the IPC than that claimed by the plaintiffs, thus suggesting that any appeals to the IPC complaining about low damages will not be successful.

There has been a notable increase in the number of applications since the ECHR ruling in March, although applicants who work in the public sector are particularly anxious to maintain confidentiality for fear of being criticised for their ‘disloyal’ action.

While the ECHR ruling favoured the Turkish-Cypriot side, a judgment by the British Court of Appeal in January 2010 in the *Apostolides v. Orams* case said the Greek-Cypriot court judgements ordering the Orams, a British couple, to destroy a villa built on land in the TRNC belonging to Mr Apostolides, a Greek Cypriot, be executed in the UK. Mr Apostolides sued in a British court to compel enforcement of the judgement as it was not

recognised by the Turkish-Cypriot side. He argued that EU law requires the UK to recognise court judgments in fellow member states. The Orams were represented by Cherie Booth, the wife of Tony Blair, who at the time was Britain's Prime Minister. He lost and appealed. The British appellate court asked the European Court of Justice (ECJ) to determine whether a court in England and Wales can recognise and enforce a judgment issued in Cyprus concerning land in the north over which the Cyprus government has no effective control. The ECJ, the final authority on EU law, said that the suspension of the *acquis* in the north and the lack of control over the north did not matter as the court that issued the judgement against the Orams sits in the Greek-Cypriot side so EU law –which compels EU countries to recognise each others' court judgments– applies to it.

As a result, Linda and David Orams were ordered to cease trespassing on the land belonging to Mr Apostolides, deliver possession of the land, pay 'mesne profits' (effectively, rent) in respect of the period of their occupation and knock down the villa they had built on the land. The Greek-Cypriot side was cockahoop, while the Turkish Foreign Ministry said the judgement had arrived 'at a very inopportune time' and could have 'very negative implications for the negotiations'.

The UK decision sent shock waves through the foreign community in the TRNC who have holiday homes, and is one factor behind the slump in the territory's construction boom, which had seen the building of thousands of homes ahead of the 2004 referendums on the Annan Plan when many assumed it would be approved on both sides and boost property prices.

In another case (*Petrakidou v. Turkey*), the ECHR ruled that the Greek-Cypriot applicant had not been the victim of a violation of article 8¹³ of the European Convention after leaving her home in northern Cyprus in 1974 at the age of 10. The Court said it was not enough to claim that a particular place or property is a 'home' and nor can the term 'home' be interpreted as synonymous with the notion of 'family roots': 'he or she must show that they enjoy concrete and persisting links with the property concerned'.

The largest single property issue is that of the abandoned resort of Varosha, a suburb of Famagusta on the east coast which has been occupied by the Turkish army since 1974. Until then it was the main tourist resort in Cyprus, with a population of more than 40,000. Its Greek-Cypriot inhabitants, the majority of the town's population, fled to the south or were forced out. Today the sealed-off part of the town is still under the jurisdiction of the Turkish army and out of bounds to everyone. Turkish Cypriots continue to live in the

¹³ This article states that 'everyone has the right to respect for his private and family life, his home and correspondence. There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others'.

original, mediaeval part of the town. Dozens of empty and crumbling hotels, high-rise apartments, shops, restaurants and homes line the spectacular coastline. The only way Greek Cypriots can see this ghost town is through powerful binoculars from the Occupied Famagusta Cultural Centre, built at Deryneia roadblock, on the site where all the anti-occupation demonstrations for Famagusta and other occupied parts have been taking place since 1974.

Alexis Galanos, the Greek-Cypriot Mayor of the ghost town and Chairman of refugee municipalities, is pressing President Christofias to pursue the property issue more vigorously, having spent, he believes, too much time on power-sharing issues. Famagusta is expected to be a major bargaining card on the Turkish-Cypriot side when and if there is horse-trading for a comprehensive settlement. Unlike the Greek-Cypriot properties occupied in the north by Turkish Cypriots, Varosha, as it is empty, has the potential to be re-occupied without creating friction between the two communities.

Progress in the negotiations on the property issue will be a good pointer to the chances of reaching a settlement. Diplomats in Cyprus believe that if there is no breakthrough by the end of July, the prospects for a deal this year are very slim.

(4) Direct Trade Directive: A Ray of Hope

The TRNC cannot trade directly with an EU country, their natural markets. Over the past 16 years this isolation has made the tiny economy of northern Cyprus much more underdeveloped than the Greek-Cypriot part in the south and heavily dependent on Turkey for imports, roughly half its exports and substantial financial support. Loans and aid rose from \$74 million in 2002 to \$558 million in 2008.

Up until 1994 Turkish Cypriots had benefited from the preferential treatment given to direct shipments originating in the north under the 1972 Association Agreement between Cyprus and the European Economic Community. This came to an end because of a ruling by the European Court of Justice. The EU's share of Turkish-Cypriot exports fell from 77% in 1980 to 20% in 2008 when total exports amounted to US\$83.7 million.

In 2003, the Green Line (GL) regulations were adopted, opening trade between the two parts of Cyprus as well as providing for the free movement of people. Around 4,000 Turkish Cypriots work in the south and their remittances make a significant contribution to the TRNC economy. The regulations also opened EU markets to the exports of goods originating in the northern part (with exemptions from customs duties) provided they transit through the southern part. Intra-island trade has benefited, but TRNC exports to the EU countries via the south very little. As the Turkish-Cypriot Chamber of Commerce points out, trade which is restricted to products wholly originating in an economy with a very limited manufacturing capacity can only be expected to have a small volume (GL

trade averages around €348,000 a month). However, GL trade has increased its share of overall Turkish-Cypriot trade, from around 2% to 10%.

In the case of potatoes, one of the TRNC's main exports, the GL regulations state that they have to be grown 'directly from the seed potatoes certified in one of the member states' in order to be eligible for GL trade. Because of the word 'directly', Turkish-Cypriot growers are obliged to import seed potatoes twice a year instead of importing once and using the small potatoes left over from the previous crop as seeds for the next crop. This used to be the ordinary practice as Cyprus' favourable climate makes it possible to get two harvests a year. While Greek-Cypriot farmers can continue this practice, Turkish-Cypriot ones have to buy seeds from them as they cannot be obtained from other EU member states at that time of the year because of their different climate conditions. And even to change just one word in the GL regulations –in this case 'directly'– requires the consent of all 27 EU countries.

Though the GL regulations provide for preferential access of Turkish-Cypriot exports to the EU as long as they are shipped through the southern ports, politically-induced impediments and extra costs undermine their implementation.¹⁴ First, considerable bureaucratic discretion is left to the authorities in the southern part to determine whether products meet the criteria of being 'wholly obtained' in the north or have 'undergone their last substantial, economically justified processing or working in an undertaking equipped for that purpose'. Secondly, the constraints on the use of Turkish-Cypriot trucks and ports in the northern part raise transport costs for Turkish-Cypriot exporters and adversely affect the transport providers in the north. Goods have to be reloaded on Greek-Cypriot trucks at the Green Line unless the Turkish-Cypriot driver has all the relevant documents from the Greek-Cypriot authorities as the crossing of commercial vehicles, unlike that of private cars, is restricted. A World Bank report¹⁵ said this 'undercuts the services sector in the northern part while offering southern service providers rents at the expense of the former'. Third, the development of the tourism sector is hampered by restrictions on the movement of persons and the use of airports in the northern part. As the GL framework does not open up the use of airports in the northern part to foreign airlines, few foreign tourists (with the exception of Turkish visitors) enter the island from there. And the regulations are ambiguous about the legality of movement of persons across the Green Line and into the Greek-Cypriot part, particularly non-EU citizens who have entered the island through the northern part. Furthermore, advertisements of Turkish-Cypriot products are not accepted by the Greek-Cypriot media, and not a single Turkish-Cypriot labelled product is on the shelves of Greek-Cypriot supermarkets.

¹⁴ See World Bank (2006), *Feasibility Studies for Economic Development. Sustainability and Source of Economic Growth in the northern part of Cyprus*, two volumes, World Bank, June.

¹⁵ *Ibid.*

A direct trade regulation was first suggested by the European Council in April 2004 as a sweetener for Turkish Cypriots voting 'yes' in the referendum that month on the Annan Plan for reunification.¹⁶ Although two-thirds of Turkish Cypriots voted in favour, the Greek-Cypriot government blocked implementation as soon as the whole of Cyprus joined the EU on 1 May 2004 (the *acquis* do not apply in the northern part of the island). As a result, the government of Turkey, which began to negotiate EU membership in October 2005, refused to implement the Ankara Protocol and open up its ports and airports to Greek-Cypriot traffic and thereby recognise the Republic of Cyprus. This led the European Council in December 2006 to freeze eight of the EU accession chapters (Cyprus has frozen another six). Turkey is not budging until something is done about fulfilling the promise of direct trade between the TRNC and the EU.

Direct trade now has a chance of moving forward as the Lisbon Treaty gives the European Parliament a co-decision role in trade agreements. The measure was re-introduced to the European Parliament on 1 March and immediately came up against stiff Greek-Cypriot resistance. The proposal is so controversial that the Parliament's international trade committee referred it to the conference of Presidents in order to 'consider the political implications of this dossier'. The Greek-Cypriot government questions the legality of the directive and is trying to move it into the Parliament's legal committee. Even if it is approved, and this is far from certain, the directive would still require a qualified majority vote by the 27 EU countries. France and Germany, whose governments are against Turkey's full EU membership (it has been part of the Customs Union since 1996) and want it to have a second-class 'privileged partnership', are unlikely to do anything to smooth Ankara's path. The Greek-Cypriot government views adoption of the directive as recognition of the TRNC and has vowed to challenge it in the European Court of Justice if approved.

Direct trade would have a beneficial effect on the TRNC economy, albeit probably not a very large one given the economy's structure and the lack of manufacturing capacity. The psychological effect, however, could be high as it would turn around Turkish-Cypriot opinion, increasingly disillusioned about reunification ever happening and feeling let down by the international community. It would also help to foster an entrepreneurial climate, which is sorely needed. Many of the most educated and talented young Turkish Cypriots seek employment in the already bloated public sector where salaries are higher

¹⁶ On 26 April 2004 the Council stated that it was 'determined to put an end to the isolation of the Turkish Cypriot community and to facilitate the reunification of Cyprus by encouraging the economic development of the Turkish Cypriot community'. The Council invited the Commission to 'bring forward comprehensive proposals to this end, with particular emphasis on the economic integration of the island and on improving contact between the two communities and with the EU'. Kofi Annan, the then UN Secretary-General, urged the Security Council in his report of 28 May 2004 to 'eliminate unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development, deeming such a move as consistent with Security Council resolutions 541 (1983) and 550 (1984)'. His report was not adopted by the Security Council.

than in the private sector, job security is guaranteed and the retirement age to qualify for a pension is 55. Employees in the public administration accounted for 16.3% of total jobs in 2008 (including education and health services the figure is well above 20%).

Greater development of the TRNC economy would narrow its gap with the much more developed Greek-Cypriot side and diminish Greek-Cypriot concerns about the cost of a settlement, which can only be to the advantage of both communities in the event of a reunification settlement.

(5) Turkey's Position

The Cyprus problem is the main, but not the only significant stumbling block to Turkey's aspiration to join the EU. As a result of Ankara's failure to implement a protocol and open its ports and airports to Greek-Cypriot traffic, in response to the EU breaking a promise to lift the economic isolation of the TRNC after Turkish Cypriots voted overwhelmingly in 2004 in favour of the Annan plan for reunification, a total of 14 of the 35 EU accession chapters are frozen (eight by the EU and six by Cyprus). The mildly Islamist government of Prime Minister Recep Tayyip Erdogan is keen to join the EU, but not at any cost. The public discourse, at least, is that Cyprus will not be sacrificed on the altar of EU membership. Turkey is playing hard to get.

Ankara is playing many cards, and not just the one that could eventually lead to joining the EU, support for which is declining in Turkey, even among the country's Europhiles, because of the hostility to its membership by the French and German governments, both of which favour an ill-defined privileged partnership, a rise in ultra nationalism among the so-called secularist establishment in Turkey and the very slow pace at which the negotiations have proceeded. The ruling Justice and Development (AK) Party, first elected in 2002 and again in 2007 by a larger majority, faces a general election in 2012 amid declining support and is in no mood to make concessions over Cyprus that would be seen as selling out, particularly by the army's top brass.

Emboldened by an increasingly strong economy, its strategic location as a transit country on the Eurasia energy axis and its current position as a non-permanent member of the UN Security Council (for the first time since 1961), a much more self-confident Turkey is becoming increasingly assertive in international politics, particularly in its immediate area of influence. The latter was most dramatically seen at the end of May when the Turkish-registered ship leading the flotilla carrying humanitarian aid to Gaza was raided by Israeli commandos with the loss of nine Turkish lives, making Erdogan a hero on Arab streets and plunging its tense relations with Israel further into crisis. Turkey also flexed its muscle when it defied Washington and voted in the UN Security Council against further sanctions on Iran, shortly after brokering with Brazil a nuclear fuel swap agreement with Iran that was ignored in the west. Both these moves have been widely and mistakenly

interpreted as a sign that Turkey, the most democratic Muslim country in the region, is turning its back on Europe.¹⁷ This is not so; they are part of a bolder foreign policy that is less subservient to Washington.

Turkey's 'zero problems with neighbours' foreign policy is easing tensions with those countries with whom it shares a border such as Syria. The risk of war with that country in the 1998 for harbouring PKK terrorists fighting for an independent Kurdish state has given way to visa-free travel. However, tiny Cyprus –at its nearest coastal point the island is only 60kms from Turkey– remains the 'neighbour' which is giving Ankara the largest headache.

Erdogan told the UN General Assembly last September that 'if a solution cannot be found due to Greek-Cypriot intransigence, as was the case in 2004, the normalisation of the status of the Turkish Republic of Northern Cyprus will become a necessity which can no longer be delayed'. He did not spell out what he meant by this, but it would seem to indicate that Turkey could take steps to get the TRNC recognised as an independent state or strive for partition. So far 15 countries host the territory's representative offices, the latest being Sweden (see Appendix D). No EU country would go so far as to recognise the TRNC, but some Islamic states might. Since the AKP came to power, Turkey has played a more active role in the Organisation of the Islamic Conference which groups 57 nations.

(6) Missing People: Public Broadcasting Breaks a Taboo

Christofias and Eroğlu do not see eye to eye on many issues, but they do share a common tragedy: both of them have brother-in-laws who are among the estimated 1,900 missing people (1,400 Greek Cypriots and 500 Turkish Cypriots) as a result of the inter-communal violence during the 1960s and particularly after Turkey's military intervention in 1974.

Many Greek Cypriot and Turkish Cypriots who were killed in fighting were hurriedly buried in mass graves where they fell. For years their relatives could not visit these unmarked sites, lying as they did on the side of the communal divide (the Green Line). The ban on travel by Cypriots to and from the north was not lifted until 2003. Raising the issue of the 'missing' was a taboo subject and brave journalists like the Turkish-Cypriot Sevgül Ulutağ received death threats for their pioneering investigations (in her case by Turkish nationalists).

In 2006 a Committee on Missing Persons, in a rare display of cooperation between Turkish and Greek Cypriots, started to exhume, identify and return the remains of missing persons. Mass graves have been opened up, bones matched against the DNA of relatives and the remains reburied on 'their' side of the divide.

¹⁷ For a well-reasoned analysis of what really is happening see Philip Stevens (2010), 'The west must offer Turkey a proper seat at the table', *Financial Times*, 18/VI/2010.

In June 2010, the Greek-Cypriot journalist Soula Hadjikyriacoum, Chief Editor of the Cyprus Broadcasting Corporation, did both communities a great service with four programmes and a studio discussion on the missing people issue which, for the first time, brought the issue to a much wider audience through many personal interviews.

Particularly revealing were her disclosures about the mass killings by Greek Cypriots of Turkish Cypriots at the villages of Maratha, Sandalari, Aloa and Tochni (around 200 people including women and children) and the cold-blooded murder of 38 Greek-Cypriot women and children by Turkish Cypriots at Palaikythro.

(7) Spain's Efforts to Resolve the Cyprus Problem during its EU Presidency

During its six-month Presidency of the EU, which ended on 30 June, Spain did its best to bring the two sides together. Miguel Ángel Moratinos, Spain's Foreign Minister, who knows Cyprus well as he was based there while he was the EU's Special Representative for the Middle East peace process between 1996 and 2003, and has friends in both communities, acted as an honest broker. But he was not able to achieve anything.

Madrid actively supports Turkey's bid to become a full member of the EU and relations between the two governments are very good. Moratinos very optimistically believed Spain could open four more EU accession chapters for Turkey, but only one –food safety, veterinary and phytosanitary policy– was opened and then on the very last day of its EU Presidency.

As well as sponsoring the UN-backed 'Alliance of Civilisations' initiative, since last year Turkey has joined the small group of countries (France, Germany Italy, Morocco, Poland and Portugal) with whom Madrid has an annual summit. This year's summit was held in March during Spain's busy EU Presidency, a gesture that raised the visibility of Spain's support for Turkey. Hard on the heels of the Spain-Turkey summit was a visit to Madrid by the Mehmet Ali Talat, the then President of the TRNC, who was defeated in the April presidential election. This was the first time a TRNC leader had been invited to an EU country while it held the EU Presidency. And in order to be fair to the Greek-Cypriot side, Moratinos took advantage of a visit to Madrid by Alexis Galanos, the Mayor of the ghost town of Famagusta (its tourist resort of Varosha has been occupied by Turkish troops since 1974), and met with him.

During the Spanish Presidency the idea of an international conference on the Cyprus problem was raised, but did not get anywhere. One reason for this was that Christofias, the Greek-Cypriot President, demanded that if one went ahead it should be attended by representatives of the Turkish- and Greek-Cypriot communities and the Republic of Cyprus, because if he went on behalf of the Greek-Cypriot community it would be seen as

according to the TRNC leader the same status as the President of the Republic of Cyprus. This, however, is unacceptable to the Turkish-Cypriot and Turkish side.

The Greek Cypriots would want such a conference to only discuss the international aspects of Cyprus after internal matters between the two communities were agreed. An important matter for Turkey at such a conference, should one ever be held, would be to keep the 1960 Treaty of Guarantee (the other two countries are the UK and Greece) in force *mutatis mutandis* as an indispensable element of a lasting settlement. The Greek Cypriots see no need for this in an EU country.

(8) Conclusion

The Republic of Cyprus will celebrate its 50th anniversary this October as the only divided country in the EU, following the collapse of the Berlin Wall in 1989. Thirty-six years after Turkey's military intervention, the gulf separating Turkish- and Greek-Cypriot communities over a reunification settlement remains wide. The rhetoric on both sides is in favour of a solution, but the political will is still not there.

Exaggerated hopes of a deal, particularly among the international community, were dashed when Talat lost the presidency in April to Eroğlu, whose victory is seen by the Greek-Cypriot side as a step backwards, though prominent figures point out that at the end of the day it is Turkey that will call the shots.

The more time that passes without a settlement, the more entrenched positions become and the more both communities get used to their *modus vivendi*, which is guaranteed by the UN presence along the Green Line that is effectively a border. The UN peacekeeping troops could, in theory, stay there as long as there is no settlement, but the separately administered good-offices mission is by no means a permanent fixture in a climate when significant progress is still not being made after so many years and there is no likelihood that it will happen.

A key crunch point could well come when the UN produces a progress report in November. If the UN concludes that there is no end in sight, that it has been unable to facilitate compromises on both sides and that the two sides are ultimately unwilling to share power, it would not be surprising if the UN withdrew its good offices mission. Downer would leave and no new envoy would be appointed, especially if it was felt that the idea of a bi-zonal, bi-communal federation, first tabled in the late 1970s, was no longer a viable option for Cyprus.

The possibility of easing the TRNC's economic isolation, through enacting a direct trade initiative or something along these lines, offers a glint of light in an otherwise pitch-black tunnel. If the UN good-offices mission does pack its bags and the direct trade initiative

does not prosper, Turkish Cypriots (ie, Turkey) may well feel they have no other option but to seek partition, on a negotiated basis or unilaterally, although resolution 541 of the UN Security Council does not allow any country to recognise the TRNC. Partition, however, could spell the end of Turkey's EU membership bid.

An opinion poll conducted by the socialist EDEK showed that 30% of respondents were happy for things to stay as they are and 22% were in favour of partition as long as there were some territorial re-adjustments. When the figures are added, there is a majority in favour of separation. Six years after joining the EU, Greek Cypriots view a reunification settlement even more as a zero sum game, with them as the losers.

The word partition is increasingly creeping into the public's discourse. Greek Cypriots, however, are very nervous about the long-term impact of partition as they believe this would result in a massive inflow of immigrants from Turkey into the TNRC and one day Greek Cypriots would wake up to find that they are in a minority in the island.

Cyprus has long had *de facto* partition, and as it stands at the moment the TRNC would never get recognised. If after so many years the two sides cannot agree a bi-zonal and bi-communal federation then the time is approaching when a real partition should be negotiated, with, perhaps, a land for recognition swap (Varosha, for example, could be easily returned to Greek Cypriots).

If the two sides do not want to live together or either side's goals are unattainable, then, instead of being forced into a new and unworkable marriage, they should agree a divorce on friendly terms.

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Appendix (a) Timeline

1571-1878	Cyprus under Ottoman rule.
1878	Cyprus leased by the Ottoman Empire to the UK.
1914	Cyprus annexed by Britain following Turkey's alignment with Germany in World War I.
1923	Under the Treaty of Lausanne Turkey relinquishes all rights to Cyprus.
1925	Cyprus declared a British crown colony.
1931	First Greek-Cypriot uprising against British rule.
1950	Makarios III elected Archbishop of Cyprus. Plebiscite organised by him shows 96% support in favour of union with Greece.
1954	Greece brings the issue of self-determination for Cyprus to the UN General Assembly.
1955-59	Greek-Cypriot armed struggle against colonial rule and for union with Greece led by EOKA (National Organisation of Cypriot Fighters).
1958	Turkish Resistance Organisation (TMT) kills left-wing Turkish Cypriots.
1960	Cyprus granted independence from the UK, guaranteed by the UK, Greece and Turkey. Archbishop Makarios takes office as President.
1963	Constitutional order breaks down and Turkish Cypriots withdraw from or are scared out of government, never to return. Greek-Cypriot attacks on Turkish Cypriots trigger inter-communal violence. Makarios submits proposals for amendments to the constitution which are rejected by the Turkish side.
1964	UN deploys peacekeepers to head off the threat of a Turkish invasion after Dr Fazil Kuchguk, the Vice-President, says he is in favour of partition. Turkish air attacks on Cyprus.
1965	Galo Plaza, the UN mediator, publishes a report recommending ways of safeguarding Turkish-Cypriot minority rights and rejecting the idea of separation between ethnic groups. The Turkish government rejects mediation.
1967	Military coup in Greece.
1974	July: Makarios (re-elected President in 1968 and 1973) demands withdrawal of Greek officers from Cyprus. 15 July: coup against Makarios organised by the Greek junta. 20 July: Turkish troops invade and occupy the northern third of the island. More than 200,000 Greek Cypriots flee south; about 80,000 Turkish Cypriots later move north. Europe and the US impose political and military sanctions against Turkey.
1975	Turkish Federated State of Cyprus declared in the area occupied by Turkish troops. Declaration condemned by the UN Security Council.
1977	First High-Level Agreement between Makarios and Turkish leader Rauf Denktaş lays out basis for bi-communal, bi-zonal and federal solution.
1983	September: collapse of peace effort by UN Secretary General Pérez de Cuellar. November: Turkish Cypriots unilaterally declare independence as Turkish Republic of Northern Cyprus (TRNC), recognised only by Turkey.
1992-93	Rise and fall of UN Secretary General Boutros Boutros-Ghali's 'set of ideas'.
1998	Accession negotiations between Cyprus and the EU begin.
2001	November: Turkey threatens to annex the Turkish-occupied areas of Cyprus if the EU admits the Republic of Cyprus as a full member before a settlement is reached.
2003	Denktaş lifts a 29-year ban on travel by Cypriots to and from the north. February: Tassos Papadopoulos elected Greek-Cypriot President. December: after advances by pro-solution Turkish-Cypriot parties in election, Mehmet Ali Talat's Republican Turkish Party forms a new government and, with support of a pro-solution government in Turkey, becomes negotiator for a settlement.



2004	<p>24 April: six years in the making, settlement plan sponsored by UN Secretary General Kofi Annan submitted to twin referendums. Accepted by 65% of Turkish Cypriots, rejected by 76% of Greek Cypriots.</p> <p>1 May: the Republic of Cyprus enters EU as a divided island. The TRNC is excluded from the benefits of EU membership as the <i>acquis communautaire</i>, the body of legislation guiding EU policy, do not apply there.</p>
2005	<p>20 April: Talat elected Turkish-Cypriot President.</p>
2006	<p>Papadopoulos and Talat begin new UN-facilitated contacts on a settlement, which soon stall. The EU summit in December suspended eight of the chapters Turkey was negotiating for its accession to the EU because of Ankara's failure to implement the 2005 Additional Protocol to the Customs Union committing it to open its ports and airports to Greek-Cypriot shipping and aviation.</p>
2008	<p>17 February: candidates promising compromise lead Greek-Cypriot presidential elections, won by Demetris Christofias of the nominally communist Akel party.</p> <p>21 March: first meeting between Christofias and Talat inaugurates new peace talks.</p> <p>April: reunification of Ledra Street, divided since 1964, in Nicosia as part of a package of UN-backed confidence-building measures, allowing people to cross from one side to the other.</p> <p>23 May: Christofias and Talat announce agreement that the reunified federation will have two constituent states and a single international identity.</p> <p>3 September: Christofias and Talat start first round of negotiations, meet 40 times over 11 months.</p>
2009	<p>20 April: the more hard-line National Unity Party (UBP) of Derviş Eroğlu defeats the pro-reunification Republican Turkish Party (CTP) in parliamentary elections, winning 26 seats against the CTP's 19.</p> <p>10 September: second round of UN-facilitated negotiations starts.</p> <p>December: EU heads of state and government (European Council) to review Turkey's failure to open its ports and airports to Greek-Cypriot shipping and aviation.</p>
2010	<p>18 April: presidential election in the TRNC. Talat loses to Derviş Eroğlu, the Prime Minister and leader of the UBP, after almost two years of negotiations with Christofias.</p> <p>26 May: reunification talks resume between Christofias and Eroğlu.</p>

Source: Cyprus: *A Contemporary Problem in Historical Perspective*, by Van Coufoudakis, the International Crisis Group and publications of the Republic of Cyprus.

Appendix (b): Letters by Demetris Christofias, President of the Republic of Cyprus, and Derviş Eroğlu, President of the TRNC, to Ban Ki-Moon, the UN Secretary-General, in April 2010

REPUBLIC OF CYPRUS
PRESIDENTIAL PALACE

The President

19 April, 2010

Your Excellency, Dear Mr Secretary General,

Following completion of the voting process among the Turkish Cypriot community in which Mr Mehmet Ali Talat (whom initial analysis suggests was the preference of indigenous Turkish Cypriots) lost to Mr Dervis Eroglu (who was supported by the vote of illegal Turkish settlers), I take the opportunity to write to you in order to express my determination to continue the negotiation process on the existing basis and to share with



you certain worries and concerns. The basis of the negotiations can be no other than a bizonal, bicomunal federation with political equality as this is defined in relevant Security Council Resolutions and with a single sovereignty, single international personality and single citizenship.

My worries stem from the fact that the new leader of the Turkish Cypriot community and new negotiator has been, not only pre-electorally but also long-term, advocating positions which caused concerns to the United Nations, to the European Commission but also to us. My own personal concerns are on the following two issues: Firstly, that the flexibility showed concerning the international contacts of Mr Talat, at times excessive, meant to assist him to win again the leadership of the Turkish Cypriot community, should in no way now become an excuse for undermining the internationally recognized sovereignty of the Republic of Cyprus, a matter on which we have to be particularly vigilant. Secondly, it is important that there is no regression in the negotiations and that hard-won common ground has to be safeguarded. My political will to continue the negotiation process until we reach a successful outcome is strong and deeply rooted.

Mr Secretary-General,

I take this opportunity, also, to clarify my position on the question of an International Conference that is currently occupying the minds of certain diplomats, journalists and politicians.

Such an International Conference should comprise the Secretary-General of the United Nations, the Permanent members of the Security Council, the European Union, Greece and Turkey as Guarantor Powers and the Republic of Cyprus, member states of the UN and a signatory of the International Treaties under discussion. The subject of the Agenda of such a conference should be the international aspects of the Cyprus problem, namely, the illegal military occupation of part of the Republic of Cyprus by Turkey, the illegal colonization of occupied territories and the future security of the reunified federal republic.

The idea that such an International Conference is presumed to occupy itself with all aspects of the Cyprus problem contradicts the content of UN Security Council Resolutions since 1974. Questions about the future structure of the federal Cyprus state must be dealt with in the negotiations which are of Cypriot ownership. The International Conference "at an appropriate time" should deal with the international aspects of the Cyprus problem such as Security and Guarantees, settlers, etc.

Mr Secretary-General,

I would like to reconfirm my dedication to continuing the inter-communal negotiations and to pursuing a successful outcome which will reunite Cyprus and its people on the basis of UN Resolutions and in accordance with International Law. I take this opportunity to express my gratitude to you for your continuing interest and for your efforts and those of the UN in general, to make the negotiating process successful.

Please accept, Your Excellency, the assurances of my highest consideration.

Demetris Christofias,

President of the Republic of Cyprus



TURKISH REPUBLIC OF NORTHERN CYPRUS

OFFICE OF THE PRESIDENT

23 April, 2010

Excellency,

Having assumed the Presidency as a result of the elections that have recently been held in Northern Cyprus, I am writing to your Excellency to underline our commitment for a just and lasting comprehensive settlement through the ongoing negotiations, under the auspices of Your mission of good offices and preparedness for the resumption of the process. I take this opportunity to share some of my thoughts in this regard.

First of all I deem it necessary to share with you a genuine concern of the Turkish Cypriot people. Despite the overwhelming 'yes' vote of my people to the UN Comprehensive Settlement Plan in 2004, owing to the overwhelming Greek Cypriot 'no vote', the Turkish Cypriot people were prevented from taking their rightful place in the international community. The Turkish Cypriot people voted in favour of the comprehensive settlement notwithstanding the great sacrifices it entailed for them in order to put an end to this enduring problem in the island. Your predecessor, in his report (S/437/2004) dated 28 May 2004 to the Security Council following the separate simultaneous referenda in Cyprus called upon the international community and particularly the members of the Security Council to give a strong lead to all States to cooperate both bilaterally and in international bodies to 'eliminate the unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development'. In the same report he stated that 'the Turkish Cypriot vote has undone any rationale for pressuring and isolating them'. Unfortunately, the promises made and decisions taken for lifting the unjust isolations on the Turkish Cypriot people have not yet produced any tangible result, mainly because of Greek Cypriot obstructions. We still expect this injustice to be corrected. My people do not deserve to live under isolations.

As for the way ahead, the resumption of the negotiations between the two sides under Your Good Offices from where it was previously left, as well as its conduct in a result-oriented manner for an early settlement, is our sincere wish. The main UN parameters, namely bi-zonality, political equality of the two people, the equal status of the two constituent states, and the fact that the settlement will bring about a new partnership should continue to be the cornerstones of any settlement effort in Cyprus. With this understanding, I would like to clearly express that the actual framework of the ongoing UN process in line with the 23 May 2008 Joint Statement enjoys our full support. Moreover, the continuation of the 1960 system of guarantees and the principle of equal sovereignty of the two peoples are likewise vital for the Turkish Cypriot side. In our view, the settlement provisions must take into consideration the existing democracies and institutions in both sides of the island. The external balance of the new state of affairs concerning Cyprus should also be preserved through the balance between the two guarantor motherlands.

The two sides in the island have, at their disposal, a solid UN acquis through decades of negotiations in the form of established parameters and body of work on the Cyprus



problem that could make a just, lasting and early settlement possible, if there is mutual genuine political will. For us, the substance of the settlement and its viability are more important than how it is named. It is my considered view that the way the framework of UN parameters will be finned in and the components of any future partnership should address the legitimate concerns of the two peoples in Cyprus. As a matter of fact, this has been the object and purpose of the ongoing negotiations until today.

I deem it necessary to underline that engaging in a new round of the ongoing negotiations should not be used as a pretext to further delay the efforts to lift the unjust isolations on the Turkish Cypriot people. On the contrary, lifting the isolations is among the few leverages that could, and indeed should, help encouraging the Greek Cypriot side for a time-frame set for the full-fledged negotiations that would encourage a swift settlement in Cyprus. Otherwise, we may run the risk of wasting invaluable time given the procrastination efforts displayed by the Greek Cypriot side so far.

Before concluding, I would like to reiterate our commitment to the resumption of negotiations under Your Excellency's mission of good offices, in line with the 23 May 2008 Joint Statement of the two leaders and as an integrated whole in order to find a just and viable settlement to the Cyprus problem.

I have had the honour of meeting Your Excellency on the 1st of February 2010 during your visit to the island. I would like to visit you soon, and discuss the perspective and conduct of the negotiating process for an early settlement in Cyprus. As you rightly stated during your visit, a settlement is possible, reachable and we should increase our efforts to achieve it.

I am ready to fulfil my responsibilities towards my people and towards the international community, and participate positively, dynamically and constructively in the negotiations once they resume. I am looking forward to working with Your Excellency with a view to achieving a comprehensive settlement to the Cyprus problem.

Please accept, Excellency, the assurances of my highest consideration.

Dr Derviş Eroğlu

Appendix (c): Basic Statistics of the Republic of Cyprus and of the TRNC

Table 2. Basic Statistics of the Republic of Cyprus (1)

Data	
Population	801,851 (p)
Unemployment rate, seasonally adjusted (%)	5.8 (April 2010)
GDP (current market prices, € bn)	16.9
Per capita GDP (Purchasing Power Parity) (€)	23,200
Per capita GDP (Purchasing Power Parity, EU-27 = 100)	98
GDP structure (%)	
Primary sector	2.4
Secondary sector	17.9
Tertiary sector	79.7
Exports of goods and services (% of GDP)	41.4
Imports of goods and services (% of GDP)	48.2
Number of tourists (million)	2.1
Current account (% of GDP)	-18.5
Inflation (annual % change in CPI)	0.2
General government balance (% of GDP)	-6.1
General government debt (% of GDP)	56.2
Total tax revenue (% of GDP)	26.2
Fertility rate	1.4
UN human development index score (2)	0.914 (2007)
Ranking in UN human development index (out of 182 countries)	32 nd (2007)
Life expectancy at birth (years)	79.6 (2007)
Global Gender Gap Index rank (out of 134 countries)	80 th
Transparency International Corruption Perceptions Index (rank out of 180 countries)	27 th
Transparency International Corruption Perceptions Index (score) (3)	6.6
Gender empowerment (ranking in UN Development Programme's measure out of 182 countries)	48 th
Press-freedom ranking out of 175 countries (Reporters without Borders)	25 th

(1) 2009 unless otherwise stated. (P): provisional.

(2) The maximum value is one.

(3) The closer to 10 the cleaner the country.

Source: Eurostat, OECD, UNCTAD, International Monetary Fund, UN Human Development Report, World Development Indicators and the Finance Ministry of the Republic of Cyprus.



Basic Statistics of the TRNC (1)

Data	
Population	274,436
Unemployment rate (%)	9.8
GDP (US\$ bn)	4.0
Per capita GDP (US\$)	16,158
GDP structure (%)	
Primary sector	
Secondary sector	5.1
Tertiary sector	17.8
Exports (US\$ mn)	77.1 (2)
Imports (US\$ mn)	1,680
Number of tourists (mn)	
From Turkey	650,405
Others	158,277
Inflation (%)	14.5
Budget deficit (% of GDP)	9.2
Total tax revenue (% of GDP)	22.7
Fertility rate	1.8
Life expectancy at birth (years)	74.0

(1) 2008. TRNC figures are never as up-to-date as those of the Republic of Cyprus.

(2) Including import duties.

Source: State Planning Organisation.

Appendix (d): Representative Offices of the TRNC Abroad

Abu Dhabi

Baku (Azerbaijan)

Bishkek (Kyrgyzstan)

Brussels

Dhoha (Qatar)

Geneva

Islamabad

Kuwait

London

Manamah (Bahrain)

Muscat (Oman)

New York

Rome

Stockholm

Washington



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