

THE CYPRUS QUESTION:
CONTINUITY, TRANSFORMATION AND TENDENCIES

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ABSTRACT

THE CYPRUS QUESTION: CONTINUITY, TRANSFORMATION AND TENDENCIES

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This study has three main objectives. First, it provides a theoretical framework that challenges the mainstream approaches to allow for a new reading of the Cyprus Question. Second, it identifies continuities, transformations and tendencies within different historical periods by analyzing the positions of the various actors and the international conjecture in order to offer a correct reading of all previous settlement proposals and indicate the basis on which perceptions and policies were constructed and why the latter failed repeatedly to resolve the Cyprus issue. Continuities are those factors that created the continuum of the crisis and were concretely reflected in the successive failures of different peace talks, plans and initiatives; examining these means analyzing the hegemonic projects of the various actors involved. Examining transformations means looking specifically at how and why these hegemonic projects changed. Examining tendencies means pointing out the latest developments such as accumulated sovereignty, shared sovereignty as protectorate, Taiwan Model, return to 1960, integration through class strategy and independent TRNC and exploring the logical consequences of developments. Third, this study focuses on the European Union's hegemonic projects related to

Cyprus – how they emerged, the relationship between these projects and the domestic and international political conjectures, their aspects of continuity and reasons for transformation and their successes and failures. This thesis argues that all the previous plans and initiatives by international and local actors, latest being the EU-initiated Annan Plan, led not only to failure, but transformed the Cyprus Question from one paradigm to another.

Keywords: Cyprus Question, Hegemonic Projects, Annan Plan, Transformations, Tendencies

ÖZ

KIBRIS SORUNU: DEVAMLILIK, DÖNÜŞÜM VE EĞİLİMLER

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Bu tezin üç ana amacı vardır. Tez öncelikle, temel teorik yaklaşımları sorgulayarak, Kıbrıs sorununda yeni bir analize imkan sağlayan bir teorik çerçeve çizmeyi hedeflemektedir. İkinci olarak tez, tarihsel perspektif içerisinde aktörlerin pozisyonlarını ve uluslararası konjonktürü analiz ederek, Kıbrıs sorununda ortaya atılan çözüm önerilerinin hangi algılamalar ve politikalar üzerine inşa edildiğini ve bunların sürekli olarak Kıbrıs sorununu çözmeye neden başarısız olduğunu analiz ederek, Kıbrıs sorunundaki devamlılık, dönüşüm ve eğilimleri tanımlamayı hedeflemektedir. Devamlılık, krizlerin sürekliliğini sağlayan ve farklı barış görüşmelerinin, barış önerilerinin ve barış girişimlerinin sürekli olarak başarısız olmasını sağlayan faktör olarak değerlendirilmekte, bu faktörlerin analiz edilerek Kıbrıs sorununa dahil olan aktörlerin hegemonya projelerinin analiz edilmesinde kullanılmaktadır. Dönüşüm ise hegemonya projelerinin neden ve nasıl değiştiğine işaret etmektedir. Kıbrıs sorununda ortaya çıkan iki ayrı egemenlik birikimi, manda yönetimini öngören egemenlik paylaşımı, Tayvan modeli, 1960 anayasal düzenine geri dönüş, sınıfsal düzen üzerinden bütünleşme ve KKTC'nin bağımsızlığı gibi eğilimler incelenerek, Kıbrıs sorunundaki gelişmelerin mantıksal

ıkarsamaları ortaya koyulmaktadır. Üüncü olarak tez, Kıbrıs sorunu ile ilgili AB'nin oluşturduğu hegemonya projesi üzerinde odaklanarak, AB hegemonya projesinin nasıl ortaya çıktığını, diğere hegemonya projeleri, yerel ve uluslararası politik konjonktür ile olan ilişkisini, devamlılığını sağlayan noktalarla, dönüşümüne neden olan faktörlerle, AB hegemonya projesinin başarıları ve başarısızlıkları analiz edilecektir. Bu tezin temel argümanı şudur; şu ana kadar uluslararası ve yerel aktörler tarafından ortaya atılan çözüm önerileri, en son olarak da AB tarafından ortaya atılan Annan planı, sadece başarısızlığa sebep olmamakta, Kıbrıs sorununun bir paradigmadan diğere bir paradigmaya dönüşmesine neden olmaktadır.

Anahtar Kelimeler: Kıbrıs Sorunu, Hegemonya Projesi, Annan Planı, Dönüşümler, Eğilimler

To my loves, Ayşe and Nehir

and

To my parents

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ABBREVIATIONS

AKEL	Progressive Party of the Working People
AKP	Justice and Development Party
ANAP	Motherland Party
BDH	Peace and Democracy Movement
CBM	Confidence Building Measures
DP	Democrat Party
DSP	Democratic Left Party
ECHR	European Court of Human Rights
ECJ	European Court of Justice
EDMA	United Democratic Reform Front
EEC	European Economic Community
EOKA	National Organisation of Cypriot Fighters
ESDP	European Security and Defense Policy
EU	European Union
KEM	Cyprus Union Front
MHP	National Action Party
MP	Member of Parliament
PEKA	The Political Committee of the Cypriot Struggle
RoC	Republic of Cyprus
RPP	Republican People's Party
SBA	Sovereign Base Areas
TFSC	Turkish Federated State of Cyprus

TKP	Communal Liberation Party
TMT	Turkish Resistance Organization
TRNC	Turkish Republic of Northern Cyprus
TUSIAD	Industrialists' and Businessmen's Association
UBP	National Unity Party
UN	United Nations
UNFICYP	United Nations Force in Cyprus

CHAPTER I

INTRODUCTION AND THEORETICAL FRAMEWORK

The name Cyprus has become synonymous with that of a major international question, the beginnings of which have already been largely forgotten, and the answer to which continues to take the form of a question mark. Despite intervention by international actors such as the United Nations and the European Union, as well as the United Kingdom, the United States, Greece and Turkey, the Cyprus question remains one of the longest-lasting, unresolved issues facing the parties concerned. Countless resolutions have been enacted on the part of the UN Security Council, and numerous attempts at mediation have been undertaken by UN secretaries-general, guarantor states and others, but all of them have so far proven fruitless.

The Cyprus question dated back to 1878, however, the actual conflict is widely agreed to have begun in the 1950s, to have erupted violently with bloodshed at the end of 1963, and to have culminated in 1974 with the interventions of Greece and Turkey, resulting in the island's current *de facto* division as the Greek Cypriot South and the Turkish Cypriot North. Why has a timeframe in excess of 40 years proven insufficient for finding a solution suitable to all those involved in the conflict? What escaped the minds of the many UN, U.S. and U.K. diplomats and special representatives that prevented them from drawing up a "document", "plan", "sets of ideas" or other "measure" that could satisfy each of the antagonistic sides? Rather than bring together the Turkish Cypriots and the Greek Cypriots, why is it that these proposals actually widened the gap between them? To answer these questions and make sense of this long-term question – its continuities, transformations and tendencies over different historical periods – it is necessary to analyze the Cyprus question from a historical

vantage point and one that can offer a correct reading of all these settlement proposals, as well as the years of peace preceding the conflict. This study is an attempt at just such an undertaking.

In line with this analysis, historical periodization becomes an important task. This study divides the history of the Cyprus question into seven periods: 1878-1960; 1960-1974; 1974-1983; 1983-1990; 1990-1999; 1999-2004; and post-2004. Each period is further divided into sub-periods, within which the positions of the actors and their relations with international politics will be analyzed and elaborated upon. Special attention will be given to the international conjecture and how this conjecture affected developments on Cyprus question. In this regard, the study of the Cyprus question provides an excellent opportunity to explore the causes, options and effects of the internationalization of domestic political issues.

Since July 4, 1990, when the Greek Cypriot administration applied for full EU membership, the Cyprus question has been a major issue for the European Union. How this development affected the positions of the principal actors is worth examining. Did it widen or narrow the gap between them? What was the EC/EU calculating? What were its foreign policy designs? And how did the situation evolve? All these are legitimate questions to explore, as are those related to UN-sponsored negotiations, which were ongoing during the late 1980s and early 1990s. What was the basic position of the United Nations? What solutions did it consider not only possible, but acceptable? What were the hegemonic discourses of the Turkish Cypriots and the Greek Cypriots? How and why did these discourses change over time? The 1990s witnessed an escalation of tensions in the Eastern Mediterranean between Greece and Turkey, as well as between the Turkish Cypriots and the Greek Cypriots. What were the reasons behind this escalation? Not only does this study provide a detailed analysis of EU policies towards Cyprus – how they affected the positions of the Turkish and the Greek Cypriots and how they led to changes in their political strategies – it also examines how the dispute between Turkey and Greece affected the Cyprus Question.

Many other international actors have been involved in the Cyprus question, forced into it by their own national interests. As indicated above, within the scope of this study, the aims and interests of international actors such as the United

Kingdom and the United States will be examined in light of international political conjecture within each historical period. Specifically, this study aims to define and interpret U.K. and U.S. policies towards Cyprus as well as the material reasons for British and American involvement in the Cyprus question. U.K. and U.S. expectations and proposals for a solution will be analyzed, and their effects on the policies of the Turkish and Greek Cypriots, as well as on Turkey and Greece, will be explained.

While taking into account the international political conjecture, this study also gives special attention to the internal policies of the Turkish and Greek Cypriots. In examining how these respective policies emerged and the factors that influenced their outcomes, this study will focus on the communal relations between the Turkish and the Greek Cypriots as well as their relations with the “mother countries,” Turkey and Greece, which are considered to have greatly influenced the policies of the Cypriots themselves. In particular, it is commonly believed that the Turkish Cypriots have been mere passive actors implementing decisions taken in Ankara. This study looks to determine whether or not and/or to what extent this assumption is valid.

From the 1999 Helsinki Summit onwards, the EU surpassed the United Nations as the most active international actor to focus on the Cyprus question. The “Republic of Cyprus’s” EU accession negotiations led to the delay of substantive U.N.-sponsored negotiations until 2002, when a new round of direct talks between the Greek and Turkish Cypriots was begun with the intent of reaching an agreement before the December 2002 European Council meeting in which a unified Cyprus was expected to be invited to join the European Union. But direct talks failed to produce a solution, and the Greek Cypriot south signed the Treaty of Accession on April 16, 2003 on behalf of the entire island of Cyprus. When direct talks were launched yet again in February 2004, it was in a last-ditch attempt to secure the reunification of the island through separate referendums in the Greek Cypriot and Turkish Cypriot communities prior to the ceremonial finalization of the “Republic of Cyprus’s” EU accession on May 1, 2004. However, the Greek Cypriot leadership and public overwhelmingly rejected reunification through the Annan plan at the referendum, and the Greek Cypriots subsequently joined the EU

on May 1, 2004; the Turkish Cypriots, who had accepted the reunification through the Annan plan, were left on the other side of the divide. This is a paradox which needs to be examined and explained well.

In view of the two-track diplomacy adopted by the international actors, there is a need to analyze the relationship between the United Nations and the European Union in terms of the Cyprus question. The relationship between the evolution of the conflict and the development of relations between the conflicting parties and the EU within the context of enlargement needs to be examined in-depth, as do the linkages between the Cyprus (Turkish and Greek Cypriots)-Greece-Turkey triangle on the one hand and the EU-Cyprus/EU-Turkey nexus on the other. How did the EU affect the policies of the actors? Did the EU act as a catalyst? What explains the concomitant negative developments in the conflict and the progress in Cyprus's EU accession process during the 1990s? Why did the negative developments seem to undergo a reversal around the turn of the century? In particular, what impact did the accession processes of Cyprus and Turkey have on the increased prospects for reunification in 2002-2004? And finally, why did the formidable efforts to secure an agreement before May 2004 ultimately fail? If EU actions and decisions had a significant impact on the conflict, what explains the conduct of the Union? Did it follow a misguided strategy, or did unexpected events occur as a result of the absence of strategy? What role did EU-member Greece play in the Union's policy decisions?

The April 24, 2004 referendum created a new conjecture for the Cyprus question and undermined the formation of a consensus. How the EU constructed and re-constructed the Cyprus Question is one of the most significant focuses of this study which will be explored.

A Brief Literature Review

The Cyprus question is one of the most studied subjects, though, it should be noted that there is an important gap in studies on Cyprus in general and on Turkish Cypriot society and the Turkish Cypriot polity in particular. Most analyses are based on assumptions centering on the state or on the regional power struggle.

Greek scholars rather focuses on Turkish threat to the existence of Greek Cypriots, tend to begin their analyses with the decolonization process and to examine the links between Greek and Greek Cypriot EU strategies, whereas Turkish scholars tend to focus their arguments on Cyprus's strategic location, the Greek-Turkish balance of power, the UN framework and negotiation process and Turkish Cypriot relations with Turkey. Realist theory is the common ground upon which many of both Turkish and Greek analyses stand. Moreover, both sides tend to analyze the Cyprus question from the point of view of strategic balances of power and Turkey-Greece relations. Because they underestimate the political, economic and social aspects of the problem, they overlook the potential impact that political, economic and social actors in the Turkish Republic of Northern Cyprus (TRNC) and Turkey may have on a solution.

Previous literature on the Cyprus Question may be divided into six groups.¹ The first group addresses the Cyprus Question from a security standpoint² within the framework of research whose main interest is the issue of security during the Cold War period, while the second group focuses on the Cyprus Question from a legal standpoint³ that considers violations of the laws and treaties establishing the "Republic of Cyprus" to be the underlying cause of the problem. In general, the Turkish side argues that the Greek side violated these agreements, whereas the Greek side argues that the "Turkish invasion" represents the violation and condemns Turkey for its illegal actions.

¹ These categories were taken from the work of, Kıvanç Ulusoy, "Kıbrıs Çalışmaları için Yeni Bir Ajanda", *Mülkiyeliler Birliği*, 2006, No. 10-11, pp. 20-24.

² For the "state-centered" literature see, Süha Bölükbaşı, *Barışçı Cözümsüzlük*, (Ankara: İmge Yayınları, 2001); M.A. Attalides, *Cyprus: Nationalism and International Politics*, (New York: St. Martins Press, 1979); Michael Moran, *Sovereignty Divided: Essays on the International dimension of the Cyprus Problem*, (Nicosia: CYREP, 1998); Faruk Sönmezoğlu, *Tarafların Tutumu ve Tezleri Açısından Kıbrıs Sorunu 1945-1986*, (İstanbul: İ.Ü Basım ve Film Merkezi, 1991), Anıl Çeçen, *Kıbrıs Çıkmazı*, (İstanbul: Toplumsal Dönüşüm Yayınları, 2005), Hüner Tuncer, *Kıbrıs Sarmalı*, (Ankara: Ümit Yayıncılık, 2005), Melek Fırat, *1960-1971 Arası Türk Dış Politikası ve Kıbrıs Sorunu*, (Ankara: Siyasal Kitabevi, 1997).

³ For Law and Legal studies see: Salahi Sonyel, *Cyprus: The Destruction of a Republic, British Documents 1960-65*, (Huntington: The Eothen Press, 1997); Stefan Talmon, "The Cyprus Question Before the European Court of Justice", *European Journal of International Law*, 2001, Vol.12, No: 4, pp. 727-750; Reşat Arım (ed), *Cyprus and International Law*, (Ankara: Foreign Policy Institute, 2002); Zaim. M. Necatigil, *Kıbrıs Uyuşmazlığı ve AİHM Kıskaçında Türkiye*, (Ankara: Turhan Kitabevi, 2006); Kudret Özersay, *Kıbrıs Sorunu: Hukuksal bir İnceleme*, (Ankara: Asam Yayınları, 2002).

A third group of studies focuses on the struggle between Turkish and Greek nationalisms,⁴ with Cyprus portrayed as if in the grips of calculated national interests, not only of Greece and Turkey, but of all the countries involved in the issue. In this scenario, Cyprus becomes a field of competition between the Greek Cypriot historical aspiration of “*enosis*,” which aims to unify the entire island with Greece, and the Turkish Cypriot arguments for “*taksim*,” which aims to partition the island between Turkey and Greece. Although these two nationalisms may appear similar, in fact, the Greek Cypriot nationalism aimed for unity with Greece, Turkish Cypriot nationalism’s ideal of “*taksim*,” partition, was based on power-sharing, not unity with Turkey. All three of the above-mentioned groups of studies view the Cyprus Question in terms of interstate relations. Not only do they neglect the socio-economic and cultural aspects of the problem, more importantly, they ignore the roles played by intellectuals and social, economic and political actors – their ideas, transformations and influence regarding the Cyprus Question.

Whether or not classical theories of international relations that are characterized by static and state-centered approaches can adequately explain such a complex problem as Cyprus is a legitimate question. Because such theories take the state for granted and fail to give adequate importance to social relations, institutions, forms of production, ideas and ideologies, and the role of civil society, they may have difficulty explaining one of the most important concepts within the field of international relations, namely, changes in the state as well as in the international system. Doubtless to say, in spite of the shortcomings of classical IR theories, these studies have made valuable contributions to the literature on the Cyprus question.

⁴ See, Zenon Stavrides, *The Cyprus Conflict: National Identity and Statehood*, (Nicosia: CYREP, 1999); Nancy Crawshaw, *The Cyprus Revolt: An Account of the Struggle for Union with Greece*, (London: George Allen & Unwin, 1978); Glen D. Camp, “Greek-Turkish Conflict over Cyprus”, *Political Science Quarterly*, 1980, Vol. 95, No.1, pp.43-70; Pierre Oberling, *The Road to Bellapais: The Turkish Cypriot Exodus to Northern Cyprus*, (New York: Columbia University Press, 1982); Necati Münür Ertegün, *The Cyprus Dispute and the Birth of the Turkish Republic of Northern Cyprus*, (Nicosia: K. Rustem and Brother, 1984); V. Calothchos, *Cyprus and its People: Nation, Identity and Experience in Unimaginable Community, 1955-1997*, (Boulder: West View Press, 1998); Mehmet Hasgüler, *Kıbrıs'ta Enosis ve Taksim Politikalarının Sonu*, (İstanbul: Alfa Yayınları, 2007); Niyazi Kızılyürek, *Milliyetçilik Kısılcığında Kıbrıs*, (Ankara: İletişim Yayınları, 2002); R. Bryant, *Imagining the Modern: The Cultures of Nationalism in Cyprus*, (London: I.B Tauris, 2004).

The fourth group of studies views the Cyprus question as a significant test area for “conflict resolution”⁵ and generally aim to apply conflict-resolution techniques to solve the problem. Like the previous groups of studies, these studies also look at the Cyprus question from a state-centered perspective. Considering the failure of all UN and EU attempts at conflict resolution from 1963 onwards, it should be obvious that the Cyprus question is too complex to be solved by addressing inter-state or inter-communal relations alone.

The fifth group of studies emerged mainly in the immediate aftermath of the Cold-War period, particularly in the wake of transformations in the international arena resulting from the Greek Cypriot application for EU membership. Following this development, the number of scholars writing on Cyprus-EU relations and the European Union’s impact on the Cyprus Question increased dramatically,⁶ with a significant number of articles devoted specifically to the Annan Plan being added to the literature. The common denominator of all these works is the belief that a solution to the Cyprus Question lies in integration

⁵ See, R.J Fisher, “Cyprus: The Failure of Mediation and the Escalation of an Identity-Based Conflict to an Adversarial Impasse,” *Journal of Peace Research*, 2001, Vol. 38, No. 3, pp. 307-326; Oliver Richmond, *Mediating in Cyprus: The Cyprus Communities and the United Nations*, (London: Frank Cass, 1998); Norma Salem (ed.), *Cyprus: A Regional Conflict and Its Resolution*, (New York: St. Martins Press); Doga Ulas Eralp and Nimet Beriker, “Assessing the Conflict Resolution Potential of the EU: The Cyprus Conflict and the Accession Negotiations”, *Security Dialogue*, 2005, Vol. 36. No. 2, pp. 175-192.; Nathalie Tocci, *EU Accession Dynamics and Conflict Resolution: Catalyzing Peace or Consolidating Partition in Cyprus*, (Hampshire: Ashgate, 2004); Polyvios P. Polyviou, *Cyprus: Conflict and Negotiation 1960-1980*, (London: Duckworth, 1980); Tove H. Molly and Tankut Soykan, “Addressing the Self-Determination Conflicts through Complex Power-Sharing: The Case of Cyprus”, *ECMI*, 6 March 2004, Report 52, Benjamin J. Broome, “Participatory Planning and Design in a Protracted Conflict Solution: Applications with Citizen Peace-Building Groups in Cyprus”, *Systems Research and Behavioral Science Syst. Res* 19, 2002, pp. 313-321, Peter Loizos, “Bicommunal Initiatives and their Contribution to Improved Relations between Turkish and Greek Cypriots”, *South European Society and Politics*, 2007, Vol. 11, No. 1, pp. 179-194; Christoph Ramm, “Assessing Transnational Re-negotiation in the Post-1974 Turkish Cypriot Community: ‘Cyprus Donkeys’, ‘Black Beards’ and the ‘EU Carrot’”, *Southeast European and Black Sea Studies*, 206, Vol. 6, No. 4, pp. 523-542; Rebecca Bryant, “The Purity of Spirit and the Power of Blood: A Comparative Perspective on Nation, Gender and Kinship in Cyprus”, *Royal Anthropological Institute*, 2002, No. 8, pp. 509-530.

⁶ See Thomas Diez, *Last Exit to Paradise? The EU, the Cyprus Conflict and the Problematic Catalytic Effect*, COPRI Working Paper, (Copenhagen: COPRI, 2000); Christopher Brewin, *The European and Cyprus*, (Huntington: The Eothen Press, 2000); Neill Nugent, “EU Enlargement and the Cyprus Problem,” *Journal of Common Market Studies*, 2000, Vol. 38, NO. 1, pp. 131-150; Heinz Kramer, *The EU Before the Accession of a Divided Cyprus, Some thoughts on the Possible Consequences*, (Berlin: German Institute for International Politics and Security, 2001); Mustafa Türkeş, “Cycles of Transformation of the Cyprus Question”, in *Contentious Issues of Security and the Future of Turkey*, ed. by Nursin Ateşoğlu Güney, (London, Ashgate, 2007), pp.159-176.

of the entire island into the EU. In short, like the Annan Plan itself, these studies look for a solution in the dynamics of the European integration process. Within this framework, the rise of new governmental structures within the EU and a federal political system based on power-sharing resembling those in Belgium and Switzerland have been proposed as effective tools for solving the Cyprus question.⁷ Such suggestions can be shown to have had an impact on the Turkish Cypriot polity and society and on the behavior of local actors such as intellectuals and NGOs as well as politicians. Nonetheless, it cannot be argued that these studies aimed to analyze the processes of development and transformation of the aforementioned actors or how they were affected by emergent institutional orders. Moreover, these works ignore the impact that the dynamics of European integration had on redefining the Cyprus Question and hardening the positions of the actors involved.

The last group of studies on Cyprus is comprised of the literature of Europeanization.⁸ Scholars have offered different definitions of Europeanization, with some, such as Nathalie Tocci, looking at Europeanization as a tool for conflict resolution. Tocci defines Europeanization as “a process which is activated and encouraged by European institutions, primarily the European Union, by linking the final outcome of the conflict to a certain degree of integration of the parties involved in it into European structures.”⁹ In short, she equates Europeanization with “European Union-ization”. In this study, Europeanization is viewed in different terms, since, for historical reasons, Turkish Cypriots already

⁷ See Clement Dodd, *Storm Clouds over Cyprus*, (Huntington: The Eothen Press, 2002); Thomas Diez, *The European Union and the Cyprus Conflict: Modern Conflict, Postmodern Union*, (Manchester: Manchester University Press, 2002); Michael Emerson and Nathalie Tocci, *Cyprus as Lighthouse of the Eastern Mediterranean: Shaping Reunification and EU Accession Together*, (Brussels: Center for European Policy Studies, 2002).

⁸ See, Nathalie Tocci, “Cyprus and the European Union Accession Process: Inspiration for Peace or Incentive for Crisis”, *Turkish Studies*, 2002, Vol. 3, No. 2, pp. 104-138; Nathalie Tocci and Tamara Koviridze, *Europeanization and Secessionist Conflicts: Concepts and Theories*, 2002; Angelos Sepos, “The Europeanization of the Cyprus Central Government: The Impact of the EU Negotiations”, *Journal of the Southern Europe and Balkans*, 2005, Vol. 7, No. 3, pp. 367-385; Claudio M. Radaelli, “Europeanization: Solution or Problem?”, *European Integration Online Papers*, 2004 Vol. 8, No. 16.

⁹ Nathalie Tocci and Tamara Koviridze, *Europeanization and Secessionist Conflicts: Concepts and Theories*, 2002.

consider themselves to be Europeans. Their interest in belonging to the European Union has, therefore, less to do with an interest in “becoming European” or in modernizing than it does in taking part in European politics as a means of putting their long years of isolation behind them and reintegrating into international politics.

The Neo-Gramscian¹⁰ Approach

Whereas earlier analyses do not give sufficient consideration to the influence of international politics on the Cyprus question, recent studies have increased the focus on how political, economic and social actors in the TRNC have been affected by political, economic and social developments in Turkey and the international arena in terms of influencing their continuities and changing their attitudes towards solution.

This chapter also intends to shed light on the significant, but largely ignored cycles of transformation of opinion leaders, intellectuals and NGOs by providing a theoretical framework with which to analyze these cycles. In the course of this study, a comparative analysis will be made between the transformations in attitudes towards the solution of the Cyprus question on the part of political, economic and social actors such as intellectuals, opinion leaders and NGOs and the changes in attitudes of the traditional actors, i.e. states. Rather than take up a problem-solving approach, this study tries to re-explain and re-analyze the Cyprus Question with the insight provided by a neo-Gramscian perspective that analyzes cycles of transformation as reflections of social struggle.

Cycles of transformation and the role of international organizations, such as the European Union, and of individual states, such as Turkey, Greece, the United States and the United Kingdom, which in themselves reflect struggles, are considered in relation to changes in the global order and structure. Within this

¹⁰ For the original writings of Gramsci, see, *Antonio Gramsci, Selections from the Prison Notebooks*, ed. and translated by Quintin Hoare and Geoffrey Nowell Smith, (London: Lawrence and Wishart, 2005). Also see, Stephan Gill, “Gramsci and Global Politics: Towards a Post-Hegemonic Research Agenda”, in *Gramsci, Historical Materialism and International Relations*, ed. by Stephan Gill, (Cambridge: Cambridge University Press, 1993).

context, primary concern is given to identifying the nature of hegemony and structure at the global level. Developments at this level constitute a historical framework, incorporating the actors in Turkish Cypriot society into global relations of power and authority, thereby restructuring, through various mechanisms, their political, economic and social spheres. This study intends to provide an account of how hegemonic powers affected the transformation of Cypriot society through an emerging form of state against a background of the global order.

William Robinson, who has written extensively on Gramsci, has identified four definitions of the concept of hegemony:¹¹ 1) Hegemony as international domination (this is a simplification that does not explain the formation of or changes in hegemony); 2) Hegemony as state hegemony; 3) Hegemony as the exercise of leadership within historical blocs within a particular world order; 4) Hegemony as consensual domination or ideological hegemony. The first three definitions all place a particular nation-state, coalition or bloc of states, or a region at the center of the analysis of hegemony in global society and are therefore considered to be “Realist” explanations of the concept of hegemony. However, it is unclear to what extent such Realist analyses can explain the redefinitions and transformations of the hegemonic projects of the Turkish and Greek Cypriot communities or those of international actors such as the EU. In contrast, the neo-Gramscian approach takes us beyond the limitations of classical IR theories by focusing on social forces engendered by changes in the social relations of production, forms of state and world order.¹² It allows us to make use of Gramsci’s insights in order to conceive of an integrated civil society and state within international relations and take a broad approach that considers social forces,

¹¹ William I. Robinson, “Gramsci and Globalization: From Nation-State to Transnational Hegemony,” *Critical Review of International Social and Political Philosophy*, December 2005, Vol. 8, No. 4, p. 1-2.

¹² Andreas Bieler and Adam David Morton, “A Critical Theory route to Hegemony, World Order and Historical Change: neo-Gramscian Perspectives in International Relations,” *Capital & Class*, No. 82, p. 105. For the Gramscian analysis of state, see, Christine Buci-Glucksmann, *Gramsci and the State*, (London: Lawrence and Wishart, 1980).

institutions, forms of productions and civil society as well as the state.¹³ The explanatory power of the neo-Gramscian perspective can sufficiently describe both the Turkish Cypriot and Greek Cypriot hegemonic projects, as well as EU hegemonic power, and can show how these are in the process of being redefined.

The neo-Gramscian perspective provides a dialectical understanding of the relationship between ideas and material interests and considers the conceptualization of ideas as the presentation of specific material interests, making it possible to analyze how different interests and ideas are involved in specific instances of class struggle¹⁴ and in the case of Cyprus Question; inter-communal and/or inter-state struggle between Turkish and Greek Cypriots as well as Greece and Turkey. As stated by Robert W. Cox, “the neo-Gramscian perspective does not take institutions and social and power relations for granted but calls them into question by concerning itself with their origins and how and whether they might be in the process of changing.”¹⁵ Whereas the Realist perspective is based on state-¹⁶power relations, the Gramscian approach also examines social power relations and how these are organized and articulated in state/civil/societal structures at the national, international and supranational levels. Cox’s statement, “Hegemony is like a pillow, it absorbs blows and sooner or later the would-be assailant will find it comfortable to rest upon,”¹⁷ explains hegemony’s provision of a coherent picture of social relations based on consensus. In describing the pattern of power relations that exist within a world order, the neo-Gramscian descriptive units of analysis – transitional historical bloc, internationalized state, ideological consensus – differ

¹³ For the detailed analysis of civil society, see, Robert W. Cox, “Civil Society at the Turn of the Millennium: Prospects for an Alternative World Order”, *Review of International Studies*, 1999, No. 25, pp. 3-28.

¹⁴ Andreas Bieler, “Class Struggle over the EU Model of Capitalism: Neo-Gramscian Perspectives and the Analysis of European Integration,” *Critical Review of International Social and Political Philosophy*, Vol. 8. No. 4, 2005, p. 515.

¹⁵ Robert W. Cox, “Social Forces, States and World Orders: Beyond International Theory,” *Millennium: Journal of International Studies*, Vol. 10, No. 2, 1981, p. 165.

¹⁶ For the limits of state-centrism, see, Hannes Lacher, “Putting the State in its Place: the Critique of State Centrism and its Limits”, *Review of International Studies*, 2003, No. 29, pp. 521-541.

¹⁷ Robert W. Cox, “Gramsci, Hegemony and International Relations,” in *Gramsci, Historical Materialism and International Relations*, ed. by Stephan Gill, (Cambridge: Cambridge University Press, 1993), p. 63.

from those seen in neo-realist and neo-liberal approaches.¹⁸ They provide a broadened framework within which to analyze and understand “the big picture” constituted by an issue as complex and long-lasting as that of the Cyprus Question.

Not only does the neo-Gramscian approach take into consideration the economic dimension of production, it expands the scope of production so that, “it covers the production and reproduction of knowledge and of social relations, moral and institutions that are prerequisites to the production of physical goods.”¹⁹

This definition offers a means of explaining different modes of production of social relations and how these changing relations give rise to particular social forces that become the bases of power within and across states and within specific world orders.²⁰ In explaining the modes of production of social relations, it helps to identify and understand the factors that promote the emergence of specific relations and how these relations undergo transformation, while at the same time highlighting the reciprocal nature of the relationship between production and power.

In order to examine this relationship, Cox developed a framework that focuses on how power in the social relations of production may give rise to certain social forces, how these social forces may become the bases of power in forms of state, and how this might shape world order.²¹ Cox identifies three spheres of activity that constitute an historical structure: 1) the social relations of production, encompassing the totality of social relations, in material, institutional and discursive forms, that engender particular social forces; 2) forms of state, consisting of historically contingent state/civil society complexes; and 3) world

¹⁸ Thomas Edward Gillon, *The Dialectic of Hegemony: Robert Cox, Antonio Gramsci and Critical International Political Economy*, unpublished PhD thesis, (Canada: Queen’s University Kingston, 1999), p. 94.

¹⁹ Robert Cox, “Production, the State and Change in World Order,” in *Global Changes and Theoretical Challenges: Approaches to World Politics for the 1990s*, (Toronto: Lexington Books, 1989), p. 39. Also see, Robert W. Cox and Timothy J. Sinclair, *Approaches to World Order*, (Cambridge: Cambridge University Press, 1996).

²⁰ Morton, *op. cit.*, p. 155

²¹ *Ibid*, p. 155.

orders, which not only represent phases of stability and conflict, but offer a scope for thinking about how alternative forms of world order might emerge.²²

The rise of different social forces and changes in the social relations of production may transform both forms of state and world orders.²³ The constitution of a historical structure requires the reciprocal combination within each sphere of three elements: ideas, understood as inter-subjective meanings as well as images of world order; material capabilities, referring to accumulated resources; and institutions, which are amalgams of the previous two elements.²⁴

The concept of hegemony is designed to help explain the relationship between the conjuncture-specific balance of social forces and the long history out of which they emerge. Cox's use of hegemony is designed to "help us understand contemporary structures of international politics within an historical conjecture,"²⁵ providing the key structural idea for the extension of the historical bloc. This study aims to identify the mutually constituted relationships within the Turkish Cypriot and Greek Cypriot communities at specific historical periods and then to analyze how these relationships led to the formation of hegemonies in the two communities. This study argues that the hegemonies evolved first within the separate communities and only later began to influence one another. Due to the Cypriot economy's dependence on foreign economies, it is difficult to argue that there is large-scale economic production in Cyprus; therefore, in line with Cox's

²² *Ibid*, p. 155.

²³ For the detailed review of the Gramscian concept of social relations, see, Andreas Bieler, "Globalization, European Integration and the Transnational Restructuring of Social Relations: the Emergence of Labor as a European Actor", *paper presented at the Workshop "Changing Industrial Relations in Contemporary Capitalism", part of the ECPR Joint Sessions of Workshops in Uppsala, Sweden, 13 to 18 April 2004.*

²⁴ Morton, *op. cit.*, p. 156. Also see, Adam David Morton, "Social Forces in the Struggle over Hegemony: Neo-Gramscian Perspectives in International Political Economy", *Rethinking Marxism*, 2003, Vol. 15, No. 2, pp.153-179. Perry Anderson, *Gramsci: Hegemonya Doğu-Batı Sorunu ve Strateji*, (İstanbul: Salyongoz Yayınları, 2007).

²⁵ Robert W. Cox, "Structural Issues of Global Governance," in *Gramsci, Historical Materialism and International Relations*, ed. By Stephan Gill, (Cambridge: Cambridge University Press, 1993), p. 266. Also see, Henk Overbeek and Kees van der Pijl, "Restructuring Capital and Reconstructing Hegemony: Neo-Liberalism and the Unmaking of the Post-War Order", in *Restructuring Hegemony in the Global Political Economy*, ed. by Henk Overbeek, (London: Routledge, 1993); Anne Showstack Sassoon, "Globalisation, Hegemony and Passive Revolution", *New Political Economy*, 2001, Vol. 6, No. 1, pp. 5-17.

broad definition of modes of production as not necessarily limited to economic production *per se*, this study examines the production of knowledge²⁶ and discourse rather than the production of material goods in its discussion of hegemonies.

Whether or not an historical structure will evolve into a relatively stable hegemonic structure or will simply continue to transform in wait of some future hegemony is dependant upon who holds power in a particular social formation and how that power fits into the historical moment. The Gramscian perspective:

sees historical change as the result of conflicts, in which the emergence of a new form of consciousness leads to a shift in power relations which makes the new form of consciousness supreme over the erstwhile dominant form of consciousness. Power represents a conjunction of outward and inward material capabilities and consciousness leading to purposive action.²⁷

This study argues that it is the leaderships of the two communities who play a kind of transformative role in the Cyprus Question for a long period. Up until the mid-1990s, social forces are not easily differentiable from the leadership of the ethnic communities. Only after the mid-1990s did NGOs and intellectuals begin to play a transformative role. Therefore, this analysis will focus on the agency of the two leaderships, although the role of other social forces in Cyprus will be analyzed from the mid-1990s onwards as well. Both domestic and international relations will be analyzed, and their transformative roles explained.

Hegemony may be interpreted as the unique within the general, allowing one to unravel the combination of social forces that make up particular moments in history.²⁸ In the neo-Gramscian approach, hegemony becomes more than simply state dominance, it appears as an expression of broad-based consent manifest in the acceptance of ideas that, supported by material resources and institutions, are initially established by social forces occupying a leading role within a state, but are

²⁶ For a review on knowledge, see, Claudio M. Radaelli, "The Role of Knowledge in the Policy Process", *Journal of European Public Policy*, 1995, Vol. 2, No. 2, pp. 159-183.

²⁷ Robert W. Cox, "On Thinking About Future World Order," in *Approaches to World Order*, ed. by Robert W. Cox and Timothy Sinclair, (Cambridge: Cambridge University Press, 1996), p. 77.

²⁸ Gillon, *op cit.*, p. 102.

then projected outward on a world scale.²⁹ Although a form of dominance, hegemony refers more to a consensual order, so that dominance by a powerful state may be a necessary, but not a sufficient, condition of hegemony.³⁰

Gramsci also uses hegemony to explain how legitimacy is wielded through economic and socio-cultural forms that change over time.³¹ Although consent is an important element in the neo-Gramscian definition of hegemony, the role of coercion in the formation of hegemony is not ignored. Hegemony is seen as a combination of political and ideological power within an historical bloc, which maintains its hegemonic status less through coercion than through the creation of consensus as the result of a specific hegemonic project. Thus, hegemony provides a means of analyzing social forces. In terms of the Cyprus Question, hegemony does not necessarily mean the domination of one side over the other, but the relationship between the two. This study argues that there are competing hegemonic projects in Cyprus that influence each other, and it aims to identify these competing hegemonic projects and their relationships.

Identification of the hegemonic projects of all actors in the Cyprus question and how these projects have been transformed over the course of time is the major goal of this study. This includes not only the hegemonic projects of the Turkish and Greek Cypriots, but the hegemonic projects of Turkey and Greece and other international actors, namely, Great Britain and the United States, and the European Union. This study will analyze how these hegemonic projects were formulated and reformulated, how they influenced one another, and how they gave rise to counter-hegemonic projects. Importantly, this study shows that most of the hegemonic projects of the international actors have failed. Its analysis of these failures is based not in terms of the physical or economic domination of a state, but on an ideological perspective capable of shedding light on the issue as a whole.

The concept of hegemony will also be used in referring to the political strategies, or “hegemonic projects,” of the actors in Cyprus. A hegemonic project

²⁹ Morton, *op.cit.*, p. 156

³⁰ *Ibid.*, p. 156.

³¹ Owen Worth, “The Janus-like Character of Counter Hegemony: Progressive and Nationalist Responses to Neoliberalism,” *Global Society*, 2002, Vol. 16, No. 13.

consists of three distinguishing elements: 1) material reason; 2) intellectual leadership; and 3) consent and coercion. Hegemony is a dynamic, on-going, historically, socially and politically constructed process. In general, in order to materialize their discourses, the actors in Cyprus relied on strategic or national interests instead of economic resources (although these took up greater significance following the collapse in 1999 of seven Cypriot banks); therefore, this study mainly looks at strategic and national interests as material reasons in examining hegemonic projects. In this study, the concept of social forces will be taken to refer to the inter-communal relations between the Turkish and Greek Cypriots. Furthermore, this study argues that the primary interest of both the Turkish and the Greek Cypriot hegemonic projects is not international hegemony, but the submission of the other side's project to its own.

In order to uncover the social forces active at any particular moment one must reflect upon the prevailing ideas of a given period and establish a connection between these ideas and the institutions of society, government, labor and associations. As explained by Gill and Law, the historical bloc

is given cohesion by a hegemonic ideology or framework of thought which gives it identity and consciousness...such an historical bloc is the product of conscious political activity, and is not simply accidental, since it implies the resolution of potential or actual conflicts between the forces of production and the relations of production.³²

In other words, an historical bloc occurs under conditions appropriate for ideas, institutions, and material capabilities. For Cox³³, an historical bloc is a dialectical concept in the sense that its interacting elements create a larger unity.³⁴ For a hegemonic order to change, counter-hegemonic forces must persist in

³² Gill and Law, *op cit.*, p. 64.

³³ Cox, *op. cit.*, p. P. 65.

³⁴ Craig Murphy, "Understanding IR: understanding Gramsci," *Review of International Studies*, 1998, No. 24, p. 421. Also, see, Mark Rupert, "Globalizing Common Sense: a Marxian-Gramscian (Re)vision of the Politics of Governance/resistance", *Review of International Studies*, 2003, No. 29, pp. 181-198. Randall D. Germain and Michael Kenny, "Engaging Gramsci: International Relations Theory and the New Gramscians", *Review of International Studies*, 1998, No. 24, pp. 3-21. Mark Rupert, "(Re)engaging Gramsci: a Response to Germain and Kenny", *Review of International Studies*, 1998, No. 24, pp. 427-434.

challenging the overall ideology of the hegemony, which is transformed over time in a multi-stage process that starts with disillusionment with the existing order, which is then challenged by contrasting social forces and alternative ideologies that serve as counter-hegemonic forces. If the counter-hegemonic forces are successful in their challenge to the existing order, then further struggle occurs, as social forces opposed to the new ideology continue to refute its nature.³⁵ The final process of transformation occurs when certain compromises are made with resistant groups to allow for a process of consolidation in which formerly resistant groups become absorbed into the new hegemonic order and accept its conditions. Once this is achieved, a historical bloc can be constructed. In other words, an historical bloc occurs when there is a high degree of interrelation between material capabilities and political and military power.

This study asks whether an historical bloc has existed at any time on Cyprus at either the community, domestic or international level, and if so, how and when this historical bloc was formed, whether or not it could be sustained, and how it has been transformed over time. In fact, this study asserts that an historical bloc occurred only once on Cyprus, in 1960; however, it was short-lived, the reasons for which shall be thoroughly examined in the subsequent chapters.

According to the neo-Gramscian perspective, every potential hegemony attempts to legitimize its social power, wealth and prestige to the masses it seeks to dominate ideologically. Ideology is demonstrated to be an instrument and force of class transformation through consent; however, Gramsci believed that “an ideology must be functionally or concretely related to the economic structure of society in order to play a politically relevant role.”³⁶ Importantly, ideas and the ideological structures of thought are considered capable of becoming material forces. Gramsci assigned to organic intellectuals the arduous yet crucial tasks of lending legitimacy to and soliciting the spontaneous consensual participation of subordinate groups in an aspiring hegemony’s program of intellectual and moral

³⁵ Worth, *op. cit.*, p. 1.

³⁶ David Hooey, *Capitalist Hegemony and the New World Order: A Gramscian Analysis of Global Restructuring*, unpublished PhD thesis, (Halifax: Saint Mary’s University, 1992), p. 33.

reform.³⁷ Gramsci thus redefined hegemony as an intellectual and moral leadership directed by contradictory political and cultural agents and organizations. The task of organic intellectuals, who represent the interests of the working class, is to make the proletariat aware of capitalist domination and exploitation,³⁸ whereas traditional intellectuals, who represented the interests of the bourgeoisie, are assigned the task of quelling counter-hegemonic resistance to capitalism.³⁹ Organic intellectuals are also seen to provide an aspiring hegemonic class with key unifying and concrete hegemonic principles, which, when translated into economic activity, move the historical bloc of social forces progressively forward. Intellectuals thus play a role in legitimizing hegemony.

This study analyzes the roles of the intellectuals in Cyprus. For the most part, intellectuals helped the political powers to legitimize their hegemonic discourses, which were based on arguments of survival and political equality. However, from the mid-1990s onwards, intellectuals began to challenge the domestic political authorities; therefore, such transformation of intellectuals during this period and the relationship between Cypriot intellectuals and international actors, should be analyzed; how interest of local intellectuals and international actors overlapped and how this development influenced both the Turkish and Greek Cypriot hegemonic discourses. Special attention will be given to whether or not the transformation of intellectuals led to a historical bloc.

This thesis is to identify and define the “continuities,” “transformations” and “tendencies” within different historical periods by analyzing the positions of the various actors and the international political conjecture. The continuities are the factors that created the continuum of the crisis, which was concretely reflected in the successive failures of different peace talks, plans and initiatives. Examining these means analyzing the hegemonic projects of the various actors involved. Examining the transformations means looking at how and why the hegemonic projects changed, whereas examining tendencies means pointing out the latest

³⁷ *Ibid*, p. 34.

³⁸ Worth, *op cit.*, p. 2.

³⁹ *Ibid*, p. 2.

developments and debates on Cyprus, including those obstacles that still remain, and exploring the logical consequences of developments in an effort to show how these obstacles can be overcome. In short, the major research questions of this study focus on: how the hegemonic projects related to Cyprus emerged; the relationship between these hegemonic projects and the domestic and international political conjunctures; the aspects of continuity and reasons for transformation of these hegemonic projects; and who the actors are and what roles they play in these continuities and transformations. In order to sufficiently analyze these questions, this study is organized as follows:

Chapter I introduces the study's questions of concern, outlines the main arguments and presents a theoretical framework that analyzes the concept of hegemony and explains how it is applied in this study.

Chapter II analyzes the formation of the hegemonic discourses of the Greek and Turkish Cypriots, as well as those of international actors, and offers a historical perspective as to how these hegemonic discourses led to the formation of an historical bloc, materialized in the Republic of Cyprus in 1960.

Chapter III focuses on the convergence and divergence of the Turkish and Greek Cypriot hegemonic discourses. It evaluates the construction of the state in 1960, the subsequent de-construction of the state from 1963-1967, and the post-1967 divergence that led to partition.

Chapter IV examines the establishment of hegemonic projects from hegemonic discourses and the crises and redefinitions of the projects of the actors in the Cyprus Question. The historical approach clearly points out how the different political structures favored by the actors in question are the outcomes of different national trajectories of development in conjunction with the interests of international actors. This chapter benefits from a comparison between existing information and archival material only recently made available from the British National Archives at Kew Gardens, London.

Chapter V deals with the divergence of the actors that occurred with the declaration of the Turkish Republic of Northern Cyprus (TRNC) and how these divergences linked Cyprus to the European Union. Interviews with important political figures have been conducted by the author in an effort to shed light on the

developments and policies of the actors, whose retrospective insights either confirm or challenge information heretofore regarded as accurate.

Chapter VI looks at the consolidation of the Greek Cypriot hegemonic project and the indefinite vague Turkish response. It analyzes how the European Union became an influential actor in Cyprus as a result of the Greek Cypriot application for EU membership, how the Greek Cypriots used the EU as a new tool with which to realize their hegemonic project, and how the actors developed their positions vis-à-vis a new political conjuncture.

Chapter VII explores the tactical struggle between the two hegemonic projects as well as the important debates surrounding the Annan Plan and how this plan influenced the positions of the actors. The crisis of the EU hegemonic project and the reasons for its failure is presented in detail. This chapter benefits from open-ended, respondent-directed interviews with key political figures in Cyprus, Turkey, England and the European Union.

Chapter VIII summarizes the main conclusions and the logical consequences of the debate on Cyprus. The study also points out possible and probable tendencies in the Cyprus question.

CHAPTER 2

THE FORMATION OF TWO HEGEMONIC DISCOURSES

The old adage “geography is the mother of history” can have few better exemplars than Cyprus. It is hard to believe that a territory so small and with so few people has the potential to disturb the regional stability of the Eastern Mediterranean. The third largest island in the Mediterranean, Cyprus’s attractiveness stems from its strategic location, which makes it well-situated for policing the entire region. As a result, the island has been a bloody battleground throughout the centuries. Cyprus has been colonized by different actors at different times, each with its own reasons for conquering the island. In the 20th century, regional trade networks, the discovery of oil and the ideological competition between East and West heightened the interests of the major powers, which viewed Cyprus as a battleground in the war for control over energy resources and trade routes.

This chapter assumes that the formation of a historical bloc in 1959 enabled the establishment of the Republic of Cyprus. It analyzes from a historical perspective the hegemonic projects of the relevant actors, how and why their hegemonic projects emerged and were transformed, and how their behavior was influenced by the international conjuncture.

At the end of the 19th century, European interest in Cyprus was based on its strategic location in relation to the Suez Canal. At a time when the power of the Ottoman Empire was waning, the stronger European powers were attempting to outmaneuver each other in establishing their claims to those territories lost by the Sublime Porte. The Russians were interested in the Turkish Straits, whereas France was interested in Cyprus as a stepping-stone towards Ottoman provinces in the

Middle East and North Africa. The Germans were also interested in Cyprus, as well as Crete and Rhodes, but wished to acquire them by peaceful means.¹ Great Britain also had its eyes on Cyprus, wanting to make use of its strategic location to protect the sea route to and from India. British Prime Minister Benjamin Disraeli had advocated the British annexation of Cyprus as early as 1847,² but it wasn't until some 30 years later, in 1878, that the British would come to occupy the island.

The immediate reasons for the occupation are to be found in the so-called "Eastern Question," the 19th century efforts made by various European powers to prevent Russia from expanding into the Eastern Mediterranean at the expense of the declining Ottoman Empire. Britain's acquisitions of the Khedive's shares in the Suez Canal in 1875 and the proclamation the following year of Queen Victoria as Empress of India suggest the degree to which it would have been against British interests to have a hostile and energetic state expand into the Eastern Mediterranean and block the imperial sea routes.³ With the European coalition's defeat of France in 1814, Russia was the only remaining power with the potential to threaten British interests in the Middle East and the security of India. Britain had already taken control of Gibraltar in order to secure the Eastern Mediterranean, and in 1800 had invaded Malta to protect British interests in the region from the French threat. Once Russia embarked on its westward expansion, British officials began to put forth the argument that they could not risk the Eastern Mediterranean simply because security in the region could not be guaranteed by the Ottoman Empire, whose weakness Russia might try to exploit in order to project its own influence into the Middle East. While no concrete, official Russian policy of expansion existed, British policymakers did not want to jeopardize their interests in the region. They thus launched a two-fold policy of supporting the Ottoman Empire against Russian expansionism and taking control

¹ Halil İbrahim Salih, *Cyprus: An Analysis of Cypriot Political Discord*, (Washington: The American University Press, 1967), p. 26.

² Harold Temperley, "Disraeli and Cyprus", *The English Historical Review*, 1931, Vol. 46, No. 182, p. 274.

³ Naomi Rosenbaum, "Success in Foreign Policy: The British in Cyprus, 1878-1960", *Canadian Journal of Political Science*, 1970, Vol. 3, No. 4, p. 621.

of Cyprus in order to control the Middle East and the passage to India and block any possible entry of another major player into the Eastern Mediterranean.

Grounded in the assumption that the Ottoman Empire was not on its own capable of protecting itself against Russian aggression, British foreign policy towards the Ottoman Empire, historically, was based on protecting the Ottoman Empire so that it might act as a buffer zone between Russia and Great Britain and block Russian expansion towards the Middle East. This policy was forged by Conservative Party leader Lord Palmerston, who served as foreign minister and then prime minister from 1830-1865. When the Labor Party came to power in 1880, British foreign policy began to change from one of protecting Ottoman territorial integrity to one that favored the division of the Ottoman Empire.⁴ It may thus be argued that the politics of Great Britain in Cyprus represented a politics of transition between two significantly different foreign policies.

In 1877, when the Ottoman Sultan refused the Russian Tsar's demand for reform in the Balkans, Russia declared war on the Ottoman Empire. Fighting lasted less than a year, and in March 1878, a defeated Ottoman Empire was forced to sign the Treaty of San Stefano. This agreement provided British politicians with the opportunity to fulfill Disraeli's dream of annexing Cyprus. Britain's Cyprus Policy was to be designed by Lord Salisbury, who, as minister of India, had sent then-Prime Minister Disraeli a letter indicating that the Treaty of San Stefano had made it impossible for the Ottoman Empire to protect its territorial integrity and a revision in British policy was required accordingly.⁵ Russia's invasion of Ottoman territories close to Istanbul and the imposition of the Treaty of San Stefano enabled Salisbury to revise British foreign policy and opened the way for the signing of the Cyprus Agreement with the Ottoman Empire.

Great Britain and other European powers rejected the provisions in the Treaty of San Stefano that had virtually ceded control of the Dardanelles to Russia and handed Moscow an opportunity to establish a stronghold in the Levant (Cyprus and Iskenderun). In November 1877, Disraeli began diplomatic talks with

4 Şükrü S. Gürel, *Kıbrıs Tarihi (1878-1960): Kolonyalizm, Ulusçuluk ve Uluslararası Politika*, (Ankara: Kaynak Yayınları, 1984), p. 42.

⁵ Temperly, *op cit*, p. 276.

the Sublime Porte concerning the establishment of a naval base on Cyprus for British strategic and imperial purposes. At a March 27 Cabinet meeting, Disraeli proposed that Britain order up reinforcements from India and “occupy two posts in the Levant which will command the Persian Gulf and all the country round Baghdad, and entirely neutralize the Russian conquests and influence in Armenia.”⁶ Despite Anthony Eden’s later argument that Disraeli aimed to establish a base from which Britain could support Ottoman Empire against a Russian attack,⁷ the British prime minister’s true intentions were to halt Russian advancement; create a *place d’armes* east of Malta, which Great Britain had been forced to rely on in responding to Russian aggression; and reform the Ottoman Empire in order to reduce its vulnerability to Russia.

Both Prime Minister Disraeli and Foreign Minister Salisbury argued that Cyprus was of strategic importance for securing the Eastern Mediterranean and Indian passage, since a British invasion of Egypt (which, in fact, Salisbury preferred) would have undoubtedly provoked a military confrontation with France. Thus, Salisbury charged Colonel Home, a British officer who had been sent to Ottoman Empire to study the fortifications of Istanbul and the Straits, with the additional task of obtaining “as much military information as he could regarding the Ottoman Empire, particularly the islands of Rhodes and Cyprus.”⁸ Homes reported back: “English interests are to be found in Asiatic rather than in European Turkey... we need a *place d’armes*, and to check Russian advances on either the Persian Gulf or Suez Canal. We need also a coaling station, easily defensible by a small garrison.”⁹ He eliminated Gallipoli, Limnos and Mitylene (Lesbos) as too near Istanbul, Crete as too far from Syria, and Iskenderun as restricted between mountains and involving dangerous commitments on land. Acre and Haifa were

⁶ Temperley, *op. cit.*, 1931, p. 276.

⁷ Anthony Eden, *The Memoirs of Sir Anthony Eden*, (London: Cassell & Company Ltd., 1960), p. 395.

⁸ Dwight E. Lee, “A Memorandum Concerning Cyprus, 1878”, *The Journal of Modern History*, 1931, Vol. 3, No. 2, p. 235.

⁹ Harold Temperley, “Further Evidence on Disraeli and Cyprus”, *The English Historical Review*, 1931, Vol. 46, No. 183, p. 459.

also rejected.¹⁰ Cyprus alone was identified as fulfilling the requirements, especially because “whoever holds Cyprus potentially holds Iskenderun.”¹¹

Cyprus’s value to Britain increased further with the opening of the Suez Canal, since the island provided a necessary and convenient base from which to protect the canal prior to the British occupation of Egypt. Moreover, Cyprus’s proximity to the Arabian Peninsula gave it considerable importance in terms of checking German power and expansion in the region, which would increase should the Berlin-Baghdad railway project be completed successfully. Similarly, British merchants believed that Cyprus could act as a base for protecting the Euphrates railway network. All these factors contributed to the British desire to occupy Cyprus, leading to a change in British policy that culminated in the British request for a defensive alliance with the Ottoman Empire.

In a May 5, 1878 letter to Queen Victoria, Disraeli emphasized the immediate danger of Russia making use of the upper hand it had gained at San

¹⁰ *Ibid*, p. 459.

¹¹ For the full report of Colonel Home, see Annex 1. The Cyprus section:

The Island of Cyprus.

This island appears to offer very great advantages. (1) It is of a size sufficient and possesses material resources of such nature, that, good government will quickly produce results. It is inhabited by a very mixed race: as an experiment in treating the Eastern Question fairly, there could be no better place. What is done in Cyprus will be known of through Syria and Asia Minor. The progress that undoubtedly would follow, were this island a British possession would do more to convince Eastern nations of the value of civilization, and the benefits of good government than anything else. The result would extend British prestige far and wide in the Levant. Not being on a continent there would be no difficulties as to custom dues, transit dues or other questions of that nature.

Militarily speaking it affords ample space for forming an Army and possesses large quantities of Mules Oxen and supplies of all kinds. It is easily defended, for the inhabitants would soon form a militia. Whoever holds Cyprus potentially holds Scanderoon, in short just to say that holding Cyprus gives Scanderoon. Its defense is not difficult there are few landing places and those not very good. Very light defenses would be required for as remarked by the Admiralty – “It is not probable that this Coaling Station would be exposed to the attack of heavy armour protected ships; our fleet in the Mediterranean would probably be powerful enough to prevent any such attack.” works sufficient “to protect the harbor against the desultory attack of one or two vessels, the sole object of which might be the destruction of the Store of Coal.” would be all that is really prerequisite. In a naval point of view the harbor is deficient. But there are many facilities for making a harbor as is shown on the sketch attached. Such a harbor would be far superior to any other in the Levant, and it is questionable if harbor accommodation here would not be cheaper than at Scanderoon or *elsewhere*. Commercially, the Island is admirably adapted for becoming a depot for English manufacturers and the trade into Syria and Asia Minor.

Stefano to reduce the Sultan to the status of client and thus – to the detriment of Britain’s interests in the Straits, Asia and elsewhere – be able to dictate the shape of the Eastern settlement that would follow the Ottoman Empire’s ultimate collapse.¹² In order to prevent Russian dominance over the Ottoman Empire, Disraeli insisted, the San Stefano agreement would need to be undone and Russian patronage would need to be replaced by British patronage, allowing Great Britain to use the Ottoman Empire for its own interests.

Disraeli’s government approved of entering into a defensive alliance with the Ottoman Empire on two conditions, namely, that the Sultan promise to enact reforms in Asiatic Turkey and that Great Britain would occupy Cyprus in the event that Russia refused to return Ottoman territories seized in eastern Anatolia. Sultan Abdulhamid II was informed that if he refused to agree to a British naval base on Cyprus, Great Britain would join with Russia to put an end to the Ottoman Empire. On May 24, 1878, the sultan reluctantly agreed to the British proposal, and the Cyprus Convention was drafted. The essential article of the convention stated that should Russia retain possession of Batum, Ardahan or Kars, or at any time in the future attempt to seize any territories in Anatolia designated by the Treaty of San Stefano as belonging to the Ottoman Empire, Great Britain would be bound to support the Sultan by force of arms. In return, the Sublime Porte promised to institute reforms and protect the Christians and other Ottoman subjects in its territories and to assign the island of Cyprus to England to occupy and administer.¹³ On June 4, 1878, British Ambassador to Istanbul A. H. Layard and Ottoman Foreign Minister Safvet Paşa signed the Cyprus Convention. Before the signing, the British government had informed its allies that it would relinquish Cyprus in the event that Russia surrendered its conquests in Asia Minor and restored the borders as they existed prior to the war in 1877.

In an attempt to put pressure on the Ottoman Empire to agree to its conditions, the British administration aimed to complete and implement the

¹² F. A. K. Yasamee, *Ottoman Diplomacy: Abdülhamid II and the Great Powers 1878-1888*, (Istanbul: The ISIS Press, 1996), p. 57.

¹³ For the full text of the Cyprus Convention see Annex 2. Also, see FO 93/110/27 B. For detailed information about this agreement see, Rifat Uçarol, *1878 Cyprus Dispute & The Ottoman British Agreement: Handover of the Island to England*, (Nicosia: Rustem Brothers, 2000).

Cyprus Convention before the June 13, 1878 opening of the Berlin Conference, where the European powers planned to revise the Treaty of San Stefano and redistribute Ottoman territories, effectively disavowing the Russian victory over the Ottoman Empire. The British Government openly informed Ottoman officials that if the Cyprus Convention was not concluded before the Berlin Conference, the British government would not support the Ottoman Empire at the conference. In line with Britain's overriding aim of using Cyprus as a means of pressuring the Sublime Porte, the convention was limited to major articles only, with details incorporated into a separate annex signed on July 1, 1878. In the annex to the convention, it was agreed that:

- 1) A Muslim religious tribunal (*mahkeme-i Şeri*) should continue to function, taking exclusive cognizance of religious matters concerning the Muslims;
- 2) A Muslim resident of the island, nominated by the board of Pious Foundations (*evkaf*) in Turkey, should, with a delegate appointed by the British authorities, superintend the administration of all property belonging to Muslim Pious Foundations and the religious establishment;
- 3) Great Britain would pay the Porte annually the current excess of revenue over expenditure, which was calculated by the average of the last five years and stated to be 22,936 purses, to be verified later, the produce of State and Crown lands let or sold during that period being excluded;
- 4) The Porte was to have the right to sell and lease lands and other property belonging to the Ottoman Crown and State, the produce of which would not form part of the revenue referred to in Article Three;
- 5) The British Government was to have the right to purchase compulsorily, at a fair price, land required for public purposes;
- 6) If Russia restored to the Ottoman Empire Kars and other conquests made in Armenia during the last war, Cyprus would be evacuated by England and the Convention of June 4, 1878, annulled.¹⁴

On July 15, 1878, Sultan Abdulhamid II ratified the treaty of alliance dated June 4, 1878, adding, in his own handwriting, the phrase suggested by the Special

¹⁴ FO 93/110/27 B.

Assembly on July 13, 1878: “I approve the agreement on the condition that MY Right of Dominion never suffer.”¹⁵ This is an indication that the sultan was seeking a guarantee to ensure continued Ottoman sovereignty over Cyprus. The British Administration also ratified the agreement on July 15, 1878, and thus an official treaty of alliance came into existence between the two states.

Supplementary agreements completed in Istanbul on August 14, 1878, stated that the Sultan

...has transferred to and vested in Her Majesty the Queen for the term of the occupation and no longer, full powers for making laws and conventions for the government of the island in Her Majesty’s name, and for the regulation of its commercial and consular affairs free from the Porte’s control.¹⁶

On July 22, 1878, the Queen’s Commission for Sir Garnet Wolsely was read, and he was sworn in as High Commissioner and Commander in Chief of the island. The next day, Wolsely issued a proclamation assuring the Cypriots of the Queen’s interest in their economic prosperity and her desire to endow them with the benefits of liberty, justice and security. Believing that taxes would be abolished as a result, the Greek Cypriots welcomed British rule, evaluating this administrative change as the first step in achieving enosis¹⁷, which had been adopted as the official Greek Cypriot policy in 1821 following Greek independence, and to which they considered the Ottoman Administration to be a serious obstacle. Thus, the seeds of the Greek Cypriot hegemonic discourse had been sown. Archbishop Kyprianos’ satisfaction with the change of administration made evident the Greek Cypriot aspiration to union with Greece, which disregarded the Anglo-Turkish treaty. The Turkish Cypriots, feeling betrayed by

¹⁵ Rifat Uçarol, *1878 Cyprus Dispute and The Ottoman-British Agreement: Handover of the Island to England*, (Nicosia: Rustem Kitabevi, 2000), p. 96. Also see, Salahi R. Sonyel, “In the Light of British Foreign Office Documents: How Abdulhamit, The Ottoman Sultan, Leased Cyprus to Britain Within Forty-Eight Hours,” *Bellekten*, Vol. XLII, No. 168, October 1968; and Soyalp Tamçelik, “Kıbrıs’ın Siyasi Tarihi ile İlgili bir Belgenin Değerlendirmesi”, *Bellekten*, 1999, Vol. 63, No. 236, pp.165-228.

¹⁶ FO 93/110/27 B.

¹⁷ For the review of how enosis influenced the Turks, see, Ahmet C. Gazioglu, *Enosis Çemberinde Türkler*, (Nicosia: Cyrep, 2000).

the Sultan for having allowed Cyprus to be occupied by a Christian monarchy,¹⁸ vigorously opposed enosis and favored the return of Cyprus to the Ottoman Empire should Great Britain decide to leave the island.

The island of Cyprus' main attraction to the British was not its wealth, but its strategic position in relation to the Levant.¹⁹ It was this strategic significance upon which the British hegemonic project with regard to Cyprus was and still is based. At the time that the Cyprus Convention was signed, the British government wished to use the island as a base of operations to protect the routes to India and to safeguard the Suez Canal and the Ottoman Empire's Arab territories, which London had an eye on monopolizing with the empire's final collapse. After the battle of Tel-el Kabir in 1882 and the British occupation of Egypt, when the base for defending the canal was moved to Ismailia, Cyprus's significance as a British base decreased; however, it did not disappear entirely.

Cyprus was to regain its importance to the British during World War I. On November 5, 1914, the British Foreign Office published the following notice in the London Gazette: "Owing to hostile acts committed by Turkish forces under German officers, a state of war exists between Great Britain and Turkey as from today."²⁰ That same day, Great Britain declared the 1878 conventions that gave it the right to occupy and administer Cyprus to be annulled by the war and formally annexed the island, as the following extract from the Order in Council of November 5, 1914 makes clear: "From and after the date hereof the said island shall be annexed to and form part of His Majesty's Dominions, and the said island is annexed accordingly."²¹ The Ottoman Empire, in a state of decline, was powerless to respond to this illegal annexation by the British Empire. Interestingly enough, there was little discussion about the British decision to annex Cyprus at

¹⁸ Salih, op. cit, p. 32.

¹⁹ For the strategic importance of Cyprus for the UK, see, Eric Baker, "The Settlement in Cyprus", *The Political Quarterly*, 1959, Vol. 30, No. 3, pp. 244-253; and Joseph S. Roucek, "The Geopolitics of the Mediterranean", *The American Journal of Economics and Sociology*, 1955, Vol. 14, No. 2, pp. 185-192.

²⁰ "Annexation of Cyprus by Great Britain," *The American Journal of International Law*, 1915, Vol. 9, No. 1, p. 204.

²¹ *Ibid*, p. 204.

the time. At the insistence of British politicians, both the Sevres²² and Lausanne²³ treaties included separate articles in which the Ottoman Empire and Turkey renounced all rights with regard to Cyprus and recognized the British annexation. It is possible to argue that had Britain's unilateral annexation of Cyprus been legal in the first place, it would have been unnecessary to include such a provision in the Treaty of Sevres, or subsequently, when Turkey refused to be bound by this treaty, to force Turkey to accept and to legalize the annexation of Cyprus by again demanding that text to this effect be included in the Treaty of Lausanne.

Prior to World War I, when Cyprus's importance to the British Empire had diminished as a result of its invasion of Egypt, Britain had on several occasions

²² Sevres Treaty, *The Treaties of Peace 1919-1923, Vol. II*, (New York: Carnegie Endowment for International Peace, 1924).

ARTICLE 115. The High Contracting Parties recognize the annexation of Cyprus proclaimed by the British Government on November 5, 1914.

ARTICLE 116. Turkey renounces all rights and title over or relating to Cyprus, including the right to the tribute formerly paid by that island to the Sultan.

ARTICLE 117. Turkish nationals born or habitually resident in Cyprus will acquire British nationality and lose their Turkish nationality, subject to the conditions laid down in the local law.

²³ Treaty of Peace with Turkey Signed at Lausanne, July 24, 1923, *The Treaties of Peace 1919-1923, Vol. II*, (New York: Carnegie Endowment for International Peace, , 1924.)

ARTICLE 20.

Turkey hereby recognizes the annexation of Cyprus proclaimed by the British Government on the 5th November, 1914.

ARTICLE 21 .

Turkish nationals ordinarily resident in Cyprus on the 5th November, 1914, will acquire British nationality subject to the conditions laid down in the local law, and will thereupon lose their Turkish nationality. They will, however, have the right to opt for Turkish nationality within two years from the coming into force of the present Treaty, provided that they leave Cyprus within twelve months after having so opted.

Turkish nationals ordinarily resident in Cyprus on the coming into force of the present Treaty who, at that date, have acquired or are in process of acquiring British nationality in consequence of a request made in accordance with the local law, will also thereupon lose their Turkish nationality.

It is understood that the Government of Cyprus will be entitled to refuse British nationality to inhabitants of the island who, being Turkish nationals, had formerly acquired another nationality without the consent of the Turkish Government.

offered the island to Greece; however, no written agreement ever emerged, and thus the transfer of sovereignty was never realized.²⁴ During the 1912-1913 Balkan Wars, the British Government purportedly made an offer to Greek Prime Minister Eleutherios Venizelos to cede Cyprus to Greece in exchange for naval bases in Suda Bay, Crete, Argostoli and Cephalonia. In fact, in January 1913, leaders of the Greek government agreed to let Great Britain use Argostoli as a base in the event of war in return for the cession of Cyprus, but no official agreement materialized, and the matter was dropped. In 1915, in an attempt to gain Greek support for Serbia, Foreign Minister Sir Edward Grey formally offered Cyprus to Greece on the condition that it enter the war on the side of the Allies; however, owing to the Greek military forces' lack of preparedness, Greek Prime Minister M. Zaimis chose to remain neutral, and the offer was retracted.²⁵

Certain of their ultimate victory against the Central Powers, in 1916 the British and French drew up plans to divide between them the territories they expected to come under their control. Known as the "Sykes-Picot Agreement," this secret Anglo-French understanding contained an agreement for the partition of the Ottoman Empire, including Cyprus, that would give France a voice with regard to the island's future. Also, Article 4 of the Franco-British Convention, signed on December 23, 1920, states,

In virtue of the geographic and strategic position of the island of Cyprus, off the Gulf of Alexandretta, the British government agrees not to open any negotiations for the cession or alienation of the said island of Cyprus without the previous consent of the French Government.²⁶

It may be argued that Alexandria provided superior facilities to anything that could have been constructed on Cyprus, and that it was not until 1945, when the loss of Egypt was imminent, that Cyprus acquired direct strategic importance. With the growing reliance on air power, Cyprus's location became paramount,

²⁴ Gürel, *op. cit.*, p. 70-71.

²⁵ Salih, *op. cit.* pp. 42-43.

²⁶ Robert Stephans, *Cyprus: A Place of Arms, Power Politics and Ethnic Conflict in the Eastern Mediterranean*, (London: Pall Mall Press, 1966), p. 94.

requiring only the enlargement of existing facilities. The British reluctance to build new bases when existing ones were available meant that in the 1940s, following World War II, Cyprus resumed the singular importance it had had for the British in the 19th century. As the Royal Institute of International Affairs pointed out in 1937, “Many colonies are of strategic significance in a negative sense... The possession of them prevents their use as bases for attacks on shipping or on parts of the Empire of greater intrinsic value.”²⁷ According to Naomi Rosenbaum, “this was precisely Cyprus’s value for Britain in a period when the main route of empire, the Suez Canal, was securely under its control, and interference from further east was only potential.”²⁸ The nature of Cyprus’s strategic value changed following the Second World War, as more and more European states began to depend on oil from Arab lands. As a result, keeping Cyprus became essential for maintaining British interests in the Middle East as well as British prestige. As Prime Minister Anthony Eden put it in mid-1956, “no Cyprus, no certain facilities to protect our supply of oil. No oil, unemployment and hunger in Britain. It is as simple as that.”²⁹ The Cold War politics also increased the significance of Cyprus for the UK as Ronald Hyam stated “from Cyprus a significant proportion of targets in southern Russia, especially the oilfields, were in range of bomber-aircraft.”³⁰

After the war, the British assumed that Cyprus, like all its colonies, would be in favor of self-government and eventual independence. A series of protests, public statements and petitions – and a minor revolt in 1931 – had attempted to convey to Britain the quite different and definite desire of the island’s majority for union with Greece. Ignoring these clear indications, during the late 1940s British authorities proceeded, with considerable ineptitude, to arrange for slow progress towards independence. Strategic considerations were explicitly stated to be limited to the nature and timing of British withdrawal. Basically, throughout the 1940s,

²⁷ Rosenbaum, *op cit.*, p. 622.

²⁸ *Ibid*, p. 622.

²⁹ Alan James, *Keeping the Peace in the Cyprus Crises of 1963-64*, (New York: Palgrave, 2002), p. 11.

³⁰ Ronald Hyam, *Britain’s Declining Empire: The Road to Decolonization 1918-1968*, (Cambridge: Cambridge University Press, 2006), p. 153.

two competing hegemonic projects existed in Cyprus: the British hegemonic project, based on the strategic significance of Cyprus, on the one hand; and the Greek hegemonic project, which aimed at enosis, on the other.

Ever since the establishment on November 11, 1948 of the Greek Cypriot political party AKEL, the Cyprus Progressive Worker's Party, whose general secretary had publicly declared the party's communist identity, the communists had actively criticized the British administration on Cyprus. Demands were made for improved conditions for workers, and campaigns were conducted against big business and landowners in an attempt to encroach on their profits. With AKEL supporting enosis³¹ and Greece affected by civil war and instability, British leaders increasingly came to view enosis as equivalent to the Russian domination of the Eastern Mediterranean they had feared.³² As Britain's one firm piece of ground in the Middle East it must not fall under communist control, while the importance of Turkish cooperation against Russia was emerging ever more strongly.³³ It was thus increasingly necessary to take seriously the Turkish government and Turkish Cypriot minority viewpoint.³⁴ This shows that the UK had a policy to use the Turkish Cypriots and Turkey to prevent Communism³⁵ in Cyprus.

The basis for British policy comes through clearly enough in the speech of the British representative at a UN General Assembly meeting on September 25, 1958: "Sovereignty of the island is now vested in us. It is our responsibility to safeguard the peace and well-being of the Cypriots. The island is important to us from a military point of view so that we shall be able to fulfill our military obligations."³⁶ Thus, prevention of enosis became increasingly prominent among

³¹ For British archival files on enosis, see, FO 371/174755.

³² Rosenbaum, *op cit.*, p. 623.

³³ Haym, *op cit.*, p. 153.

³⁴ FO 371/87224.

³⁵ For the communism in Cyprus, see British archival files, FCO 9/1152, FCO 9/1361 and FO 371/144607.

³⁶ Naomi Rosenbaum, "Cyprus and the United Nations: An Appreciation of Parliamentary Diplomacy", *The Canadian Journal of Economics and Political Science*, 1967, Vol. 33, No. 2, p.223.

British goals, and the strategic value of Cyprus as a base was always clear in this regard. Governor of Cyprus Lord Harding argued that controlling Cyprus meant maintaining undisputed control over the two existing airfields and ancillary radar, air control and communication systems, as well as the island's utility infrastructure, and preserving high internal security to prevent the Communists from placing a political stranglehold over the island.³⁷

In 1947, when Bishop of Kyrenia Makarios III Myriantheus was elected archbishop of Cyprus, he reiterated the demands for enosis, thus making union with Greece, an effort begun in 1878, the official policy of the Greek Cypriots under his leadership. Archbishop Makarios's strategy for achieving enosis was comprised of organized terrorism against the British administration, and, in 1951, he enlisted a retired Greek army officer, Colonel Grivas, as the advisor and organizer of guerrilla fighters against the British occupation. Makarios's main thesis was that Cyprus was a Greek island and thus enosis the appropriate form of self-determination.³⁸ In a letter to this effect to UN Secretary-General Trygve Lie dated August 10, 1950, Archbishop Makarios stated:

An open, unimpeachable plebiscite was held on January 15, 1950, the result of which was that 95.7 per cent of the Greek inhabitants or 80 per cent of the whole population of Cyprus by their vote expressed their determination to be incorporated into the Greek state by the organic union of this island with its mother country Greece.³⁹

With this letter, which represented the beginning of the Greek Cypriots' attempts to internationalize the Cyprus problem, Makarios aimed to use the international conjecture and the concept of self-determination to achieve enosis. Stalled by British adamancy against their calls for enosis, Greek Cypriot leaders wished the United Nations to consider their right to decide their own future, with enosis definitely included among the possibilities.⁴⁰

³⁷ Field Marshall the Lord Harding of Petherton, "The Cyprus Problem in Relation to the Middle East", *International Affairs*, 1958, Vol. 34, No. 3, 293.

³⁸ Rosenbaoum, *op. cit.*, p. 223.

³⁹ Salih, *op. cit.*, pp. 70-71.

⁴⁰ Stephan G. Xydis, "The UN General Assembly as Instrument of Greek Policy: Cyprus, 1954-195", *The Journal of Conflict Resolution*, 1968, Vol. 12, No. 2, p. 142.

The Greek government was also becoming more actively involved in the enosis movement, and at a UN meeting in Paris in 1951, it made a reference to the Cyprus Question. However, the British government rejected any application to the United Nations, arguing that the organization had no right to intervene in British internal policy. By 1954, the United Nations showed no sign of being able to reach any type of settlement or agreement, and in that same year, Greek Prime Minister Alexandros Papagos incorporated Cyprus's demands for enosis into Greek foreign policy.

Before the Greek application to the United Nations, Turkey's overriding attitude towards Cyprus was that the island belonged to Great Britain and that this status quo should be protected. However, Turkish policy started to shift with Greece's UN application, which entailed self-determination as a means of achieving enosis. On December 14, Turkish UN Representative Selim Sarper expressed Turkey's interest in Cyprus, saying, "Turkey is primarily concerned with the status of this island because of racial, historical and contractual reasons." After voicing the Turkish government's opposition to self-determination, Sarper emphasized the importance of Cyprus to Turkey, adding that "such a course of action could lead to serious consequences for the question of Cyprus, which is important for the defense of Southern Turkey and of the Eastern Mediterranean in general."⁴¹

In August 1955, Turkish Prime Minister Adnan Menderes noted how "...Turkey's coasts are surrounded by observation and threatening rig-work belonging to another nation,"⁴² further emphasizing how Cyprus's strategic location in relation to Asia Minor made it exceptionally important to Turkey, whose southern ports, including those of Antalya, Mersin and Iskenderun, are under the cover of Cyprus, thus enabling whoever controls the island to control these ports as well. In view of this situation, Turkey could not countenance Greek Cypriot demands for self-determination, and Turkish foreign policy thus shifted from an emphasis on protecting the status quo to a declaration of Turkey's

⁴¹ *Turkish Views on Cyprus*, 1965, p. 6.

⁴² Salih, *op. cit.*, p. 72.

historical rights on Cyprus. This new policy formed the beginning of the Turkish hegemonic project on Cyprus.

From the 1940s to the mid-1950s, relations between Turkey and the Turkish Cypriots were limited. Although Turkey at the time argued that it had no Cyprus problem, the Turkish Cypriot leadership encouraged, and managed to secure, Ankara's greater involvement in Cyprus politics. In general, the Turkish Cypriots favored a power-sharing system, which they believed was the only way to prevent enosis. However, if such a system could not be realized, becoming a British colony would be an acceptable alternative for the Turkish Cypriots, who viewed such an arrangement as a safeguard against becoming a minority in the island's administration.

On December 1, 1954, the British government, unable to reach an agreement with the Revolutionary Council of Egypt led by Abdul Nasser, decided to transfer the Middle East Command Headquarters from the Suez Canal Zone to Cyprus, where it had been before its relocation to Egypt in 1882.⁴³ The forcible ouster of the British headquarters was a blow not only to British military power in the Mediterranean, but also to British self-esteem, as it was viewed as both a real and symbolic sign of England's retreat from the company of great powers.⁴⁴ The event comprised a transformation of hegemonic powers in the region, with British hegemony being replaced by American hegemony.

Command Paper 124, issued in April 1957, signaled a change in overall British defense policy, presenting a new approach to Britain's defense needs that contained an implicit shift in expectations as to how to make use of Cyprus,⁴⁵ which the British still hoped to possess indefinitely. Command Paper 124 spoke of revising not merely the size, but the whole shape of the defense plan. British military policy began to focus on integration of British forces into NATO, dependence on a nuclear deterrent and reduction of the armed services to small and

⁴³ Behçet Yeşilbursa, "İngiltere ve Amerika'nın Ortadoğu Savunma Projeleri ve Irak (1945-1958)," unpublished paper, 2007, p. 5.

⁴⁴ Thomas Ehrlich, *Cyprus 1958-1967: International Crisis and the Role of Law*, (Oxford: Oxford University Press, 1974), p. 7.

⁴⁵ Rosenbaum, *op. cit.*, p. 623.

mobile professional contingents. As Denis Healey stated in his book “on NATO’s southern flank Britain’s responsibilities were primarily to help in the naval control of the Mediterranean, and maintain our position in Cyprus.”⁴⁶ As a result, most of the existing facilities on Cyprus were no longer desirable to the British government, which preferred something more limited in both area and scope.⁴⁷ Command Paper 124 devoted a full section to Britain’s defense responsibilities in the Middle East, specifying that “land, air and sea forces” would be maintained in the Arabian Peninsula and East Africa. Cyprus was mentioned not in connection with NATO, but with the British membership in the Baghdad Pact: “In the event of emergency, British forces in the Middle East would be available to support the Alliance. These would include bomber squadrons based in Cyprus capable of delivering nuclear weapons.”⁴⁸ Britain no longer intended to launch sea-borne task forces from Cyprus, since the Suez invasion had indicated Cyprus’ port facilities to be inadequate for any such activity (sea-borne troops had to be sent to Egypt from Malta). Rather, Cyprus took on the important new role of supplying bases for the only British nuclear forces independent of NATO in terms of both purpose and control.

In the meantime, with Archbishop Makarios’s efforts to attain enosis through diplomacy constantly frustrated by the British, the Greek Cypriots had been forced to drastically alter their strategy, resorting to violence to achieve their goals. In doing so, Greek Cypriot extremists could recite the names of countless African, Middle Eastern and Asian countries that were able to obtain independence only after long struggles for freedom. However, the aim of the Greek Cypriot uprising against British colonial rule was not Cypriot independence, but Greek expansion. Both the Turkish Cypriot community and the Turkish government were strongly against the violence, which, initially, had not been directed against the

⁴⁶ Denis Healey, *The Time of My Life*, (London: Politico’s, 2006), p. 321.

⁴⁷ Rosenbaum, *op. cit.*, p. 623.

⁴⁸ *Ibid*, pp. 623-624.

Turkish Cypriots.⁴⁹ However, as EOKA⁵⁰, the National Organization for the Cyprus Struggle, continued its terrorist activities, the atmosphere between Cyprus's two main communities slowly turned hostile. Turkish Cypriot leaders expressed their opposition to enosis in the media, speeches, pamphlets and in books and provided information to international organizations in order to attract world attention. Turkey, as stated earlier, opposed enosis because of Cyprus's location and strategic importance in the event of war. The union of Cyprus with Greece would represent entrapment for Turkey if Greece were to turn communist, whereas gaining its own strong foothold in Cyprus would guarantee Turkey's safety.⁵¹

Violence and terrorism in Cyprus increased dramatically from 1955 onwards. In order to prevent the Cyprus issue from giving rise to an international crisis, on June 30, 1955 British Prime Minister Anthony Eden invited Turkey and Greece to send representatives to London to confer on political and defense questions affecting the Eastern Mediterranean, including Cyprus. Both Turkey and Greece accepted the invitation. A significant aspect of the conference was that it re-legitimized Turkey as an official part of the Cyprus problem. In fact, in his visit to Athens to discuss strategy prior to the conference, Archbishop Makarios had tried to convince Greek politicians not to participate in the conference because he believed it would transform Turkey into an official actor with regard to Cyprus. At a July 16, 1955 press conference, Makarios openly decried Greek politicians, pronouncing, "If the decisions that will be made in the London Conference are not in the direction of Greek Cypriots, I will not recognize these decisions even if the Greek government signs the declaration."⁵²

⁴⁹ For the detailed review of the Turks under the British rule, see, Salahi Sonyel, "İngiliz Yönetiminde Kıbrıs Türklerinin Varlık Savaşımı (1878-1960)", *Belleten*, 1995, Vol. 59, No. 224, pp. 133-188.

⁵⁰ For the detailed review of EOKA, see, Makarios Drusotis, *Karanlık Yön EOKA*, (Nicosia: Galeri Kültür Yayınları, 2007).

⁵¹ For the detailed review of the Democrat Party Foreign Policy and emergence of Taksim policy, see, Hüseyin Bağcı, *Demokrat Parti Dönemi Türk Dış Politikası*, (Ankara: İmge Yayınları, 1990).

⁵² Niyazi Kızılyürek, "Jeo-Politik Kaygılar ve Taksim Tezinin Doğuşu," *Kıbrıs Yazıları*, 2006, Vol. 1, No. 2, p. 22.

At the conference, which got underway on August 29, 1955, British Foreign Secretary Harold Macmillan stated that Cyprus was necessary for the defense of the free world and that self-determination for the Cypriots was unthinkable.⁵³ Instead, the British government proposed a constitution for limited self-government. Turkey agreed to support self-government if Greece would drop the demand for self-determination, but the Greeks refused. The Turks were opposed to self-determination and to any changes in the island's sovereignty; if any were to be made, they felt Cyprus should be returned to Turkey. Turkish Foreign Minister Fatin Rüştü Zorlu⁵⁴ stated openly in the conference that while Turkey was in favor of maintaining the status quo in Cyprus, in view of the historical rights granted in Lausanne, if Cyprus was going to be given to anyone, it should be given to Turkey.⁵⁵ Significantly, the British Government attempted to use Turkish demands as leverage to negate, or at least limit, Makarios's demands for enosis by presenting the concept of partition as an alternative.

Ultimately, no important decisions were taken at the London Conference. However, the idea of self-government, as presented in the plan that had been suggested to Turkey and Greece in London, was pursued by the Chief of the Imperial General Staff, Field Marshall Sir John Harding, following his appointment as Governor of Cyprus on September 25, 1955. Governor Harding, supported by Colonial Secretary Lennox-Boyd, who had come to Cyprus to participate in Harding's efforts, began negotiations with Makarios in October with the hope of achieving a settlement acceptable to all parties concerned. Makarios, dissatisfied with the British attitude and lack of goodwill, rejected the British proposals and put forth five principles of his own, namely: 1) All legislative, executive and judicial powers would be exercised by the Cypriot representatives; 2) The Governor would retain control of defense and foreign affairs; 3) The Governor would have no veto power; 4) The assembly would be proportional to the

⁵³ Stephan G. Xydis, *Cyprus Reluctant Republic*, (The Hague: Mouton Press, 1973), pp. 43-44.

⁵⁴ For the life of Fatin Rüştü Zorlu, read, Semih Günver, *Fatin Rüştü Zorlu'nun Öyküsü: Zorro Gibi*, (Ankara: Bilgi Kitabevi, 1985).

⁵⁵ Xydis, *op. Cit.*, , p. 22. For the detailed review of the London Conference from the Turkish perspective, see, Melih Esenbel, *Kıbrıs: Ayağa Kalkan Adam*, (Ankara: Bilgi Yayınevi, 1993)

population; and 5) All constitutional questions in regard to the division of authority would be settled at an arranged period.⁵⁶

Harding reorganized the security forces, and strong security measures were taken to crush the violence and terrorism in Cyprus. Makarios was exiled to the Seychelles; AKEL was outlawed, and its leaders were arrested. Still, violence on the island continued. On July 12, 1956, Lord Radcliffe was appointed British Constitutional Commissioner, with a mission to formulate a liberal constitution for the Cypriots while safeguarding British base rights on Cyprus. Lord Radcliffe's constitutional proposals for Cyprus recommended a diarchy with two separate law-making authorities and two administrative bodies. While Cyprus's sovereign status would remain British, and foreign affairs, defense and internal security the responsibility of the British Governor, the island would be administrated by a cabinet of Cypriot ministers elected by and responsible to an elected legislature. The constitution assigned wide responsibilities for self-government to the elected Cypriot representatives and included the principles of eventual self-determination, along with specific minority guarantees.

The Turks accepted Lord Radcliffe's plan as a basis for negotiation, but called for more safeguards for the Turkish Cypriots and opposed the idea of Cypriot self-government based on self-determination. For Turkey, the important issue was the establishment of a power-sharing system on the island and guarantees to prevent enosis in the future. Greece, however, rejected the proposal because the constitution failed to provide a specific date for self-determination. The Cypriots themselves never got the chance to vote on the proposal, and the whole attempt for a peaceful solution collapsed. On December 19, 1956, British Colonial Secretary Lennox-Boyd proposed to the Turks partition of Cyprus as a final solution to the problem. Although Greek Foreign Minister Evangelos Averoff had earlier that year made a similar proposal to Great Britain that involved partitioning Cyprus between Turkey and Greece as the only remedy to the problem at hand, when the Turks accepted Lennox-Boyd's proposition, the Greeks and the British refrained from putting the plan into place.

⁵⁶ Salih, *op. cit.*, p. 96.

By the time Prime Minister Harold Macmillan proposed what was referred to as the “Seven-Year Partnership Plan” in June 1958, the conditions affecting Britain’s need for sovereignty over the island had changed. In addition to the transformation of Britain’s Cyprus Policy as embodied in Command Paper 124, and the corresponding reduction of facility requirements, relations between the two communities on the island had worsened considerably, with a parallel rise in tension between the two mother countries, Greece and Turkey. British efforts alone were no longer sufficient to allow the two Cypriot communities to live together peacefully. The Macmillan Plan proposed a future three-way sharing of sovereignty, thereby recognizing the role of other governments, whom Britain invited to join in a “tridominium”. In postponing a final settlement of Cyprus’s status for seven years, Britain was postponing self-determination for that period. In the meantime, Greece and Turkey would share Britain’s responsibility for developing the conditions of peaceful self-government, i.e., the essential, non-military pre-conditions for self-determination.⁵⁷ The Greeks rejected the plan, stating that the objective of the scheme was to divide Cyprus, whereas the Turks endorsed discussion of the proposal, but reiterated their desire for partition.

In December 1956, aiming to ease tensions and prevent the Cyprus problem from leading to the outbreak of direct hostilities between Turkey and Greece, the NATO Council in Paris had passed a resolution offering the “good offices” of NATO Secretary-General Lord Ismay to facilitate a peaceful settlement on Cyprus. The offer of assistance was repeated in 1957, but it received no response. In September 1958, the new NATO secretary-general, Paul-Henri Spaak, reiterated the alliance’s interest in the Cyprus dispute and encouraged the three powers to continue their search for a mutually agreeable settlement. On September 24, 1958, Spaak submitted a plan to the NATO Council meeting in Paris and suggested that it be adopted. The Spaak Plan, also known as the Seven-Year Plan, was similar to the Macmillan Plan: the Turkish and Greek Cypriots would have separate legislatures, both of which were to advise and aid the British Governor for a period of seven years, at the end of which, the Cypriots were expected to have the capacity to act as a self-governing Cypriot state. This plan was rejected by both

⁵⁷ Rosenbaoum, *op. cit.*, p. 626.

Greece and Turkey; however, following the NATO meeting, Turkish and Greek representatives agreed to meet again in January to discuss the Cyprus problem.

Turkish Foreign Minister Zorlu and Greek Foreign Minister Averoff's January 17, 1959 meeting in Paris was followed by further diplomatic exchanges that prepared the way for a series of meetings between the Turkish and Greek prime ministers. On February 11, at the end of a conference that had opened in Zurich on February 5, Turkish Prime Minister Adnan Menderes and Greek Prime Minister Constantin Karamanlis signed an agreement for the establishment of an independent Republic of Cyprus. The signed document lay down the basic constitutional provisions of the new republic. British, Turkish and Greek Foreign Ministers and representatives of the Greek and Turkish Cypriot communities then met at the London Conference to iron out outstanding details, after which time the final Cyprus Agreement was signed in Lancaster House on February 19, 1959.

Thus, despite the declaration of the British Minister of State for Colonial Affairs in 1954 that "there can be no question of any change of sovereignty in Cyprus,"⁵⁸ five years later it had in fact changed, as British policy underwent a huge transformation. Given Britain's loss of the Suez Canal and the refocusing of British military strategy represented by Command Paper 124, what remained of importance to Britain was to guarantee protection of several sovereign bases in Cyprus. Just prior to the Zurich Conference, at which Greece, Turkey and the U.K. met and agreed to establish the "Republic of Cyprus", the British government had stated its willingness to transfer sovereignty over the island on the condition that Britain, to meet its military requirements, were permitted to retain its existing bases, which would remain under unchallengeable British sovereignty. Having secured its interests in Cyprus, Britain could safely consent to transfer its rights of sovereignty over the island, the administration of which had come to represent a major expense.⁵⁹

Up until 1958, the United States had exhibited nothing more than a form of neutrality that Greece was willing to interpret as tolerance for enosis. The United

⁵⁸ Ehrlich, *op. cit.* p, 7.

⁵⁹ For the detailed review of the period of 1954-1959, see, Robert Holland, *Britain and the Revolt in Cyprus 1954-1959*, (Oxford: Clarendon Press, 1998).

States, as well as its most faithful followers, had abstained on all crucial votes in the United Nations, whereas outside the UN, Washington had attempted to maintain both good relations with the Greek-American community and military involvement with Turkey. However, in UN Committee sessions in 1958, the United States moved with majestic dignity to vote against enosis.⁶⁰ The United States wanted to avoid any act that could threaten international stability or weaken NATO's southern flank. Concerned that the tension in Cyprus and between Greece and Turkey seemed to pose just such a threat, an agreement on Cyprus – and the remaining British bases – served the interests of the United States.⁶¹

Throughout this period, the Soviet Union attempted to exploit the unrest on Cyprus. Moscow's strategic objectives with regard to the island may be summarized as follows: 1) exploit the dissension connected with the Cyprus issue in order to supplement other moves in a long-range campaign to intensify divisions within the NATO alliance; 2) ensure the removal of all vestiges of British influence on the island, including the abrogation of U.K. military bases and overflight rights; and 3) keep alive the unrest and political instability in Cyprus, thereby diverting, at least partially, the attention of U.S., U.K., Greek and Turkish leaders from other problems.⁶² For the Soviet Union, it was not the strategic importance of Cyprus *per se* that led Moscow to design a Cyprus policy, but the fact that Cyprus was looked on as a new area of Cold War contestation. As a result, Soviet tactics vis-à-vis Cyprus shifted frequently from 1950 onwards, with the Soviet position towards Cyprus affecting Soviet relations with all NATO states as well as with the United Nations.

During this period, AKEL leaders, most of whom were trained in Moscow, gave their support to enosis. AKEL was aided by Moscow, and thus support for

⁶⁰ Rosenbaum, *op. cit.*, pp. 223-224.

⁶¹ For the review of the role of the UK and USA see, William Mallinson, *Cyprus: A Modern History*, (New York: I. B. Tauris, 2005). For the US policy also see, Parker T. Hart, "An American Policy Toward the Middle East", *Annals of the American Academy of Political and Social Science*, 1970, Vol. 390, pp. 98-113; and, Fahir Armaoğlu, "Amerikan Belgelerinde Kıbrıs Sorunu, 1958-1960", *Belleten*, 1996, Vol. 60, No. 229, pp. 745-782.

⁶² Thomas W. Adams and Alvin J. Cotterell, *Cyprus Between East and West*, (Baltimore: The Johns Hopkins Press, 1968), p. 30.

“the liberation of Cypriots from foreign oppressors” became official Soviet policy. The Soviet Union helped AKEL regain its strength as an opposition party, marshal support for the elimination of the British military presence and increase its potential for revolutionary activities through the infiltration of mass movements and organizations.⁶³

It was during this time period that Greece and Turkey adopted their respective hegemonic discourses. For Greece, the idea of enosis was postponed with the understanding that it would not be possible for Cyprus to become part of Greece given the international conjecture of the time. Turkey, for its part, set aside a policy of partition and consented to the Cyprus Agreement, as it returned to Turkey the status of legal and legitimate actor with regard to Cyprus that had been lost as a result of the Lausanne Treaty. Given the various above-mentioned strategic and political considerations, the relevant actors were willing and able to give their consent for the establishment of the Republic of Cyprus. It was also during this time period that the Greek and Turkish Cypriots began to produce their own hegemonic discourses. The Greek Cypriots established a policy of achieving enosis with Greece, whereas the Turkish Cypriots focused mainly on preventing enosis and securing equality and power-sharing in order to prevent Greek domination and avoid falling to the status of minority on the island.

⁶³ *Ibid*, p. 31.

CHAPTER 3

CONVERGENCE AND DIVERGENCE: 1960-1974

The period from 1960 to 1974 is one of the most important periods in Cyprus history. It was characterized by the establishment of the Republic of Cyprus, the subsequent collapse of the Republic, inter-ethnic violence between the Greek Cypriot and Turkish Cypriot communities, international and local efforts to negotiate a solution to the Cyprus problem, and the Turkish military intervention of 1974. It was during this period that the hegemonic discourses of the various actors were transformed into hegemonic projects that continue to this day. Understanding the developments that occurred from 1960-74 enables a more comparative insight into Cyprus politics. This chapter assumes that the interests of international actors and Cold War realities were important factors in shaping Cyprus politics, which comprise more than a simple dispute between Turkish and Greek Cypriots. Accordingly, this chapter will examine the roles of international actors, namely, Great Britain, the United States and the United Nations, within the framework of the Cold War.

The chapter is divided into three sections chronologically, as follows: 1959-1963, the Making of a State; 1964-1967, the collapse of the Republic of Cyprus, the entrance of international actors into the Cyprus dispute and the U.S. initiative to reach a solution; 1967-1974, UN attempts to reach a solution, including inter-communal talks.

3.1 The Making of a State: Towards Convergence: 1959-1963

At the end of the London Conference¹, on Feb. 19, 1959, the Treaty of Establishment by which the Republic of Cyprus was founded was signed at Lancaster House by British Prime Minister Harold Macmillan, Greek Prime Minister Constantin Karamanlis, Turkish Prime Minister Adnan Menderes,² Greek Cypriot representative Archbishop Makarios and Turkish Cypriot representative Dr. Fazıl Küçük. Final statements from each of the representatives indicated their full agreement with the Cyprus settlement. “It is my deep conviction,” Greek Prime Minister Karamanlis stated, “that the solution we have reached meets in the best possible way the aspirations of the whole population of Cyprus, which is now attaining freedom and can, I am sure, look forward to great prosperity.”³ The Turkish position was put forth by Foreign Minister Fatin Rüştü Zorlu, as follows:

Turkey believes that the agreed solution represents an equitable and fair settlement of the Cyprus question. She is convinced that, provided it is observed by all, this solution, which takes care of the legitimate interests of all concerned, will open an era of peace, friendship and sincere co-operation between the two communities of the island for the benefit of all our countries and the whole free world to which we are proud to belong.⁴

Archbishop Makarios, leader of the Greek Cypriot community, stated:

Yesterday I had certain reservations. In overcoming them I have done so in a spirit of trust and good-hearted good will towards the Turkish Community and its leaders. It is my firm belief that with sincere understanding and mutual confidence we can work together in a way that will leave no room for dissension about any written provisions and guarantees.⁵

¹ For the British archival files on tripartite conference negotiation on Cyprus, see, FO 371/152871.

² Charles Foley, *Legacy of Strife: Cyprus from Rebellion to Civil War*, (Baltimore: Penguin Books, 1964). The Prime Minister of Turkey, Adnan Menderes, who was in a London clinic, was the last one to add his signature to the Cyprus agreement. Menderes was recovering from an airline crash in which many of the Turkish delegation to London were killed or seriously injured.

³ *Final Statements at the Closing Plenary Sessions at Lancaster House on February 19, 1959*, p. 3.

⁴ *Ibid*, p. 5.

⁵ *Ibid*, p. 6.

British Prime Minister Macmillan, in his report to the House of Commons at the close of the London Conference, said of the Cyprus settlement: "I regard this agreement as a victory for reason and co-operation. No party to it has suffered defeat; it is a victory for all. By removing a source of bitterness and division it will enable us and our allies and the people of Cyprus to concentrate on working together for peace and freedom."⁶

The Greek government, which had realized that enosis would not be achievable in the near future, looked upon the agreement both as a tool for achieving enosis in the long term and as a first step in participating as an official, legal actor in Cyprus. Turkey also considered the agreement to be an instrument of its re-emergence as an official, legal actor in Cyprus politics for the first time since 1878. Thus, pragmatism triumphed over idealism at the London Conference, and a settlement of the Cyprus problem was reached, as each actor realized that while the agreement did not meet their long-term goals, some aspect of the agreement served their immediate political interests as well as their future plans. Although reluctantly, they signed the agreement as a tactical retreat, thus offering Cyprus independence for the first time in history. In gaining independence from the British colonial power, the two communities on Cyprus postponed their conflict to a later date.

The London and Zurich Agreements were signed during the period of decolonization and the rise of U.S. hegemonic power in place of British hegemonic power, which had begun to decline with the seizure of the Suez Canal by Nasser and the subsequent U.S.-Soviet joint declaration blocking British military intervention in Egypt. The period provided a good opportunity for all those involved in the Cyprus dispute to achieve their goals. As products of the decolonization process, the London-Zurich Agreements provided a transition period for Greece and Turkey, as well as for the Greek and Turkish Cypriot communities, which considered these agreements to be an interim step towards materializing their hegemonic discourses. The Greek Cypriots considered the London-Zurich Agreements in terms of achieving enosis, which had been confounded by the decolonization process and the interests of Great Britain and

⁶ Harold Macmillan, *Speech at the House of the Commons*, 19 February 1959, p. 622.

the United States. The agreements were seen as a first step in removing the British colonial authority and gaining independence, offering both time and potential opportunity for achieving their ultimate goals. At the same time, the London-Zurich Agreements provided the Turkish Cypriots with a good opportunity to maintain their survival and achieve recognition of their political rights. Because the contents of these agreements provided constitutional rights and recognition and ensured they would not be a minority on the island, the Turkish Cypriots were henceforth able to utilize these agreements as bargaining levers for ensuring their survival and recognition and preventing their domination by the Greek Cypriots.

From the onset, however, the Greek Cypriots aimed to show that the constitutional system established by the London-Zurich Agreements was unworkable. In contrast, the Turkish Cypriots wanted to prove that the system was functional and beneficial for both sides involved. The vast differences that existed between the Greek and Turkish Cypriots on almost every issue indicate that the London and Zurich Agreements did not constitute the formation of a historical bloc; rather, the agreements received unenthusiastic consent simply as a means by which to ultimately realize competing hegemonic discourses.

It may be posited that Greece⁷, Turkey and Britain were able to achieve the formation of an historical bloc, to which the Turkish Cypriots willingly acceded and the Greek Cypriots offered reluctant consent as an interim measure. Greece's main intention was to become a legal actor in the Cyprus dispute, which it had never been before. Because of the Greek majority on the island and its historical relationship with Greece, Athens was offered the role of guarantor in Cyprus for the first time in history. Turkey was also made a guarantor, thus reclaiming the role of legal actor in Cyprus that the Ottoman Empire had lost to Britain in 1878. The London-Zurich Agreements also provided opportunities for Great Britain and the United States. Britain received two military bases on the island, thus allowing for a continuing British presence in the Eastern Mediterranean, and the United States secured the strategic goal of preventing further polarization between its two

⁷ For the review of the Greek Foreign Policy, see, Evanthis Hatzivassiliou, "Security and the European Option: Greek Foreign Policy, 1952-1962", *Journal of Contemporary History*, 1995, Vol. 30, No. 1, pp. 187-2002, and Evanthis Hatzivassiliou, "Cyprus at the Crossroads, 1959-1963", *European History Quarterly*, 2005, Vol. 35, No. 4, pp. 523-540.

NATO allies, Greece and Turkey. Moreover, the United States viewed the agreements as a tool for politically stabilizing Cyprus as a solid bulwark against communism. Stress would be placed on economic development, free democratic institutions and a pro-Western orientation, and the United States would enjoy unrestricted use of its existing communications facilities on the island as well as access to British sovereign base areas, which would remain inviolate and available to any Western nation for any purpose.⁸

The settlement reached at the London Conference did not satisfy the radical Greek Cypriots. Although Greek Foreign Minister Averoff had kept Makarios fully informed of the political progress throughout the negotiations in Zurich, Grivas was kept in the dark. Makarios agreed to the proposition for self-government, but Grivas opposed it. In his memoirs, Grivas described having been “shocked” and “surprised” by the whole conference and claimed to have made an agreement with Makarios never to depart from the aim of enosis. Some argue that Greece had pressured Makarios to accept the Zurich-London Agreements, whose explicit exclusion of any possibility of either enosis or partition was considered by some enosis advocates to be a betrayal of their cause. The Greek Foreign Minister Averoff sent a letter to the British officials where he stated that: “The Greek Government were determined to continue to work in the closest co-operation with the British government and the Turkish Government, and that the responsibility for making a success of independence on Cyprus now rested primarily with Makarios himself.”⁹ He also pointed out that Makarios had assured himself that Makarios fully accepted the London agreements and would do his utmost to make them work. However, he also feared the differences between Makarios and Grivas. Makarios, in a letter, attempted to satisfy Grivas by stating that the Turkish Cypriots had been promised nothing more than the safeguarding of their rights; however, Grivas remained discontent with the settlement, as it allowed Britain to maintain base rights and Turkey to station troops on Cyprus.

⁸ Thomas W. Adams and Alvin J. Cottrell, *Cyprus Between East and West*, (Baltimore: The John Hopkins Press, 1968), p. 56.

⁹ FO 371/144607.

On February, 22 1959, when the first signs of a settlement appeared, the British Administration on Cyprus released 1,000 Cypriots from detention camps, and on February 27, an additional 293 prisoners were released and amnesty terms announced for EOKA and TMT¹⁰. In leaflets it circulated throughout the island, EOKA's political arm, PEKA, demanded Makarios's return to Cyprus and an end to the emergency measures and detention camps. On March 1, 1959, after nearly two years in Athens following his return from exile in the Seychelles, Makarios arrived in Cyprus to great rejoicing among the Greek Cypriots. In a speech before a welcoming crowd of Greek Cypriots, Makarios exclaimed, "Let us not forget that freedom is not just a privilege and a right, it is also a heavy responsibility and a supreme duty. Let us hold out the honest hand of friendship and co-operation to all. Especially let us co-operate wholeheartedly and sincerely with our friends in the Turkish community."¹¹ Such good will, however, would not last long.

Under the agreements reached between the Cypriot leaders and British Governor of Cyprus Hugh Foot, arms and ammunition belonging to EOKA were handed over to the police,¹² and EOKA leader Colonel Grivas was given safe passage to leave the island. On March 17, 1959, dressed in an EOKA uniform, Grivas called for "harmony, unity and love" before boarding a Greek Air Force jet that had been sent to Cyprus by the Greek Government to fly him to Athens, where he was given the highest honor conferred by the Greek Parliament, which proclaimed him "worthy of the nation." King Paul bestowed on Grivas the "Order of Valor" and the "Grand Cross of the Order of George I," and his military rank was later raised from colonel to lieutenant general.

On the basis of the Zurich-London Agreements, a Joint Constitutional Commission was set up on Cyprus to draft a constitution for the Republic of Cyprus. The commission met for the first time on April 13, 1959, and included Turkish Cypriot representative Rauf Denktaş, Greek Cypriot representative

¹⁰ For the detailed review of TMT, see, Ulvi Keser, *Kıbrıs'ta Yeraltı Faaliyetleri ve Türk Mukavemet Teşkilatı*, (İstanbul: IQ Kültür Sanat Yayıncılık, 2007).

¹¹ Roy. P. Fairfield, "Cyprus: Revolution and Resolution", *The Middle East Journal*, 1959, Vol. 13, No. 3, p. 245.

¹² Foley, *op. cit.*, p. 152.

Glafkos Clerides, Turkish government representative Nihat Erim, Greek government representative Themistocles Tstatsos and Marcel Bridel, a legal advisor from the University of Lausanne. Great Britain had no representative on the Commission.

With the approval of Archbishop Makarios and Dr. Fazıl Küçük, Governor Foot nominated a transnational committee, comprised of six Greek Cypriots and three Turkish Cypriots, who were charged with drawing up plans for adapting and re-organizing the government machine in preparation for the transfer of power to the Republic. As yet, no one had been nominated as foreign minister; therefore, Makarios undertook the responsibility. Governor Foot appointed members of his Executive Council to sit in at the Joint Council, which met for the first time on April 7, 1959 and continued to act as the administrative authority until the island's independence on August 16, 1960.

Another Joint Committee was established in London to prepare the final treaties for submission to the three governments. This committee was comprised of UK Foreign Minister Sir Know Helm, representing the British Government, the Turkish and Greek Ambassadors to London, also representing their respective governments, and representatives of the Turkish and Greek Cypriot communities, Osman Örek and Zenon Rossidis. The Committee got off to a slow start on March 23, 1959, and after nine months, with only about two months left until the scheduled inauguration of the Republic of Cyprus, it had still been unable to reach concordance. To remedy this, a conference was scheduled with the Greek and Turkish foreign ministers, Archbishop Makarios and Dr. Küçük. The conference met on January 16, 1960 in London to review the activities of the Joint Committees in order to reach a final decision on all outstanding matters. Independence was initially postponed from February 19 to March 19 in order to accommodate this high-level conference, and when an agreement was reached on July 1, a date was finalized for the independence of Cyprus: August 16, 1960.¹³

¹³ For the road to independence read, Jean-Luc Pepin, "The Birth of Constitution", in *Cyprus: A Regional Conflict and its Resolution*, ed. by Norma Salem, (Ottawa: St. Martin's Press, 1992). pp. 126-133. Also see, Erten Kasımoğlu, *Eski Günler Eski Defterler*, (Lefkoşa: Yorum Yayıncılık, 1991).

Presidential and vice presidential elections took place in December 1959. Since there was only one candidate for vice president, the Turkish Cypriots did not vote, and Dr. Fazıl Küçük, was declared vice president on December 3, 1959. Presidential elections were held on December 13, with Archbishop Makarios challenged by John Clerides, a member of the Governor's Executive Council, who received the support of both the communists and the Bishop of Kyrenia, who had been a rival of Makarios since his election to the Archbishopric. Makarios, who had been nominated for the presidency by the fathers of nine EOKA members, ran as the United Democratic Reform Front (EDMA) candidate and received 144,501 votes, compared to 71,753 votes for Clerides, the Cyprus Democratic Union candidate.¹⁴

Cyprus-wide elections for the House of Representatives were held on July 31, 1960. Members of outlawed right-wing and left-wing organizations were legally allowed to participate, since Governor Foot had removed the State of Emergency regulations on December 4, 1959. Following an overwhelming victory for Archbishop Makarios's EDMA candidates, an agreement was reached to allocate AKEL five seats, while EDMA retained 30 seats. All 15 of the seats allotted to the Turkish Cypriots went to National Party candidates who supported Dr. Küçük. Elections for the Turkish and Greek Communal Chambers were held on August 7, 1960.

The creation of the new state was welcomed as the end of a long struggle; however, it was still uncertain as to whether the overwhelming difficulties remaining could be overcome, and a nation welded out of conflicting elements. Even though the parties involved had managed to sign an agreement, they had not truly reconciled their differences. In reality, a solution had been accepted too quickly for an issue with such a long history, and even before the actual declaration of independence, an opposition had formed. The institutionalization of the mistrust between the Greek and Turkish Cypriots as well as the communal divisions would serve as obstacles to the development of a sense of legitimacy

¹⁴ Stanley Mayes, *Cyprus and Makarios*, (London: Putnam, 1960), p. 65.

towards the Cypriot state.¹⁵ The Greek Cypriots believed that the agreements were part of a divide-and-rule policy designed to split Cyprus in two. Adamantia Pollis has argued that British policies were designed to segregate and polarize the population into two communities in order to facilitate the retention of control.¹⁶ The Greeks believed that the roots of political partition had taken hold during the British administration and that the 1960 agreements would, sooner or later, lead to the division of the island. Employing decolonization as a stance with which to achieve their goal of enosis, the Greek Cypriots linked the two concepts, using the former as a tool to achieve the latter; however, no room was made for the right to self-determination of the Turkish Cypriots.

Despite Turkish Cypriot doubts that enosis could be given up so easily, Turkish Prime Minister Menderes convinced them to accept the agreements, and once Turkey had decided to support the idea of Cypriot independence, the Turkish Cypriots had no alternative but to go along. Menderes had signed the agreement in the hope that the presence of Turkish troops on Cyprus would ensure both the preservation of the Republic and the protection of the Turkish Cypriots; in fact, the Turkish Government did not fully comprehend the historical importance of enosis to the Orthodox Church. Rather, the Turks expected that since they had abandoned the idea of *taksim*, the Greeks would also give up enosis. Despite Prime Minister Menderes, Foreign Minister Fatin Rüştü Zorlu, who worked very hard to achieve the agreement, did not trust on Greeks and the Greek Cypriots, and after signing the agreement his first order was to arm the Turkish Cypriots against the Turkish Cypriots.¹⁷ This shows that although agreement was signed, however, parties were not able to establish trust on the island.

Greek Prime Minister Karamanlis had also been searching for a better solution to the Cyprus issue and hoped that following a settlement and the end of British colonial rule, Greece would be in a stronger position to maneuver towards

¹⁵ Phillippos Savvides, "Cyprus: The Dynamics of Partition", *Kokkalis Graduate Student Workshop*, 2000, p. 26.

¹⁶ Adamantia Pollis, "The Social Construction of Ethnicity and Nationality: The Case of Cyprus", *Nationalism and Ethnic Politics*, 1996, Vol. 2, No. 1, p. 76.

¹⁷ İlder Türkmen, personal interview, July 19, 2007.

enosis. Extreme enosists accused Karamanlis of betraying the cause, whereas in actuality, he was simply choosing a different course towards the same goal. Karamanlis and Makarios were in full agreement, but Grivas, having been deprived of any role in the government, opposed them both and attempted to completely undermine Makarios for his own advancement. Before leaving Cyprus, Grivas was instrumental in bringing about a split between his own and Makarios's supporters within EOKA, which, like the TMT, had continued to exist underground. It was pro-Makarios, ex-EOKA members who would fill the positions in the new government as members of EDMA, whose stated aim, under the leadership of the Archbishop, was to strive for the spiritual and economic well-being of the Greek Cypriots.

In October 1959, Makarios met with Grivas on Rhodes in order to reconcile their differences regarding EOKA's goals. The two leaders issued a joint communiqué that urged the Greek Cypriots to remain united; however, Grivas continued to challenge Makarios's ability to obtain the enosists' objectives. He manipulated all the machinery of the opposition to attack Makarios, towards whom he was openly antagonistic. In July, 1960, against the counsel of the Greek Government, Grivas announced that he was reviving the struggle for enosis and bringing his supporters together under a new banner, that of the Cyprus Union Front (KEM).¹⁸ Thus, the new state was crippled by formidable obstacles even before its birth.

Cyprus achieved its independence at midnight on August 16, 1960, when the Republic of Cyprus was proclaimed. The same day, the last Governor of Cyprus, Sir Hugh Foot, left for the United Kingdom, and British colonialism in Cyprus was nominally terminated. The structure of the government of the Republic of Cyprus was designed to safeguard the interests of both the Greek Cypriot and Turkish Cypriot communities. The constitutional system was based on a power-sharing system defined by Arend Lijphart as "consociationalism."¹⁹ Consociationalism is characterized mainly by the post-election cooperation

¹⁸ Pollis, *op. cit.*, pp. 60-61.

¹⁹ For the details see, Arend Lijphart, *Democracy in Plural Societies*, (New Heaven: Yale University Press, 1977).

between elites in the formation of multi-ethnic coalitions and the management of conflict; groups are autonomous, and minorities are protected. The system, whose underlying strength stems from its guaranteed protection of the rights of the groups participating, is based on the principle of grand coalitions: – a parliamentary government with proportional representation and veto rights for minority groups, as well as proportional allocation of civil service positions and public funds.

Cyprus was, in fact, a quasi-sovereign republic with a presidential regime, considering that the outer framework of the regime had been pre-determined by the London-Zurich Agreements. According to the 1960 constitution (See Annex 7), the president was to be a Greek Cypriot and the vice-president a Turkish Cypriot, each elected to five-year terms by their respective communities. The president, as head of state, was to have the following duties: 1) represent the Republic in all its official functions; 2) sign and receive credentials of foreign diplomatic envoys; 3) sign the credentials of delegates appointed for the negotiation of international treaties, conventions, and other agreements; and 4) confer the honors of the Republic. The vice president of the Republic was given the right to be present at all official functions and at the presentation of credentials of foreign diplomatic envoys; to recommend to the president the conferment of honors of the Republic on members of the Turkish Cypriot community, which recommendation the president shall accept unless there are grave reasons to the contrary. The vice president could also present the honors of the Republic, if the recipient so desires.²⁰ The vice president was not in line for succession to the presidency or entitled to delegate authority in the absence of the president; rather, succession to the presidency and delegation of presidential authority was the right of the president of the House of Representatives, who was to be a Greek Cypriot. In the event of a vacancy of the vice presidency due to death, resignation, conviction of high treason, or permanent physical or mental incapacity, vice-presidential responsibilities would be placed in the hands of the vice president of the House of Representatives, who was to be a Turkish Cypriot.²¹

²⁰ Colonial Office, *Cyprus*, (London: H.M. Stationary Office, 1960), p. 106

²¹ *Ibid*, p. 108.

The Council of Ministers, composed of seven Greek Cypriots and three Turkish Cypriots, was to be appointed by and responsible to the president and the vice president, who were to appoint the ministers of their respective ethnic groups from within or outside of the House of Representatives. Decisions of the Council of Ministers were required to be reached by absolute majority and promulgated immediately, unless the president, vice president or both exercised their rights of final veto or return.²²

Executive powers were granted to the president and vice president, in part jointly and in part separately. The following powers were to be exercised jointly by the president and vice president: 1) determination of the design and color of the flag of the Republic; 2) creation or establishment of the honors of the Republic; 3) appointment of the members of the Council of Ministers; 4) promulgation, by publication in the Official Gazette of the Republic, of any law or decision passed by the House of Representatives; 5) promulgation by publication of the decisions of the Council of Ministers; 6) institution of compulsory military service; 7) reduction or augmentation of security forces; 8) exercise of the prerogative of mercy in capital cases; remission, suspension, and commutation of sentences; 9) right of recourse to the Supreme Constitutional Court; and 10) publication of Supreme Constitutional Court decisions in the Official Gazette of the Republic.²³

The following executive powers were to be exercised by the president: 1) designation and termination of appointment of Greek Cypriot ministers; 2) convening and presiding over meetings of the Council of Ministers; 3) the right of final veto on council decisions and on laws or decisions of the House of Representatives concerning foreign affairs, defense or security; 4) the right of recourse to the Supreme Constitutional Court; 5) publication of communal laws and decisions of the Greek Cypriot Communal Chamber; 6) the prerogative of mercy in capital cases; and 7) preparation of the Agenda of State.²⁴

²² *Ibid*, p. 111.

²³ *Ibid*, p. 110

²⁴ *Ibid*. P. 111.

The following executive powers were to be exercised by the vice president: 1) designation and termination of appointment of Turkish Cypriot ministers; 2) requesting the president convene the Council of Ministers and taking part in their discussions; 3) proposing subjects for inclusion in the Agenda of State by the president; 4) the right of final veto on Council decisions and on laws or decisions of the House of Representatives concerning foreign affairs, defense or security; 5) the right to return laws or decisions of the House of Representatives; 6) the right of recourse or referral to the Supreme Constitutional Court; 7) publication of the communal laws and decisions of the Turkish Communal Chamber; and 8) the prerogative of mercy in capital cases.²⁵

The Council of Ministers was to exercise executive power in all matters, except those that fell within the competence of a communal chamber, including the following: 1) general direction and control of the Government of the Republic and the direction of general policy; 2) implementation of foreign affairs, defense and security; 3) coordination and supervision of all public services; 4) supervision and disposition of property belonging to the Republic; 5) consideration of bills to be introduced to the House of Representatives by a Minister; 6) establishment of orders or regulations to adopt laws as provided by the Constitution; and 7) consideration of the budget of the Republic to be introduced in the House of Representatives. The Council Of Ministers was to perform its duties under and be responsible to both executives.²⁶

Legislative power was vested in a House of Representatives comprised of 50 members – 35 Greek Cypriots and 15 Turkish Cypriots – elected for a period of five years. The House of Representatives was to exercise legislative power in all matters, except those expressly reserved for the communal chambers. The number of representatives could be altered by a resolution passed by two-thirds majorities of both communities in the House. The legislators were to act primarily on those matters of interest to all Cypriots, such as security and general finances. The president of the House of Representatives was required to be a Greek Cypriot,

²⁵ *Ibid*, p. 122.

²⁶ *Ibid*. P. 115.

elected by the Greek Cypriot legislators, and the vice president to be a Turkish Cypriot, elected by the Turkish Cypriot legislators. Should a temporary absence or vacancy exist in either the office of the president or the vice president of the House, their functions would be performed by the eldest representative of the respective community. The House of Representatives was given the power to enact laws, as follows: 1) the laws and decisions of the House of Representatives would be passed by a simple majority vote of the representatives present and voting; 2) any modification of the Electoral Law or the adoption of any law relating to the municipalities or imposing duties or taxes would require separate simple majorities of the Greek Cypriot and Turkish Cypriot representatives, elected by their respective communities, taking part in the vote.²⁷ The latter of these articles evolved into a strongly controversial issue among Greek and Turkish Cypriot legislators and was a prime factor in the civil war that broke out in Cyprus in December 1963.

The Constitution acknowledged the Cypriot population to be composed of the Greek Cypriot and Turkish Cypriot communities on the island. Minority groups such as Maronites were asked to choose membership in either the Greek Cypriot or the Turkish Cypriot community. The official languages of the Republic were to be Greek and Turkish. The Greek and Turkish Cypriot communities were given the right to celebrate their respective national holidays; however, the allegiance of the two communities was supposed to be to the Cypriot flag. In fact, this allegiance never came into being. One indication of this was the lack of interest in the Cypriot Independence Day, in comparison to the Greek and Turkish national holidays, both of which were always elaborately celebrated. Although this issue may be considered symbolic, it is an indication that Cypriot nationality as a supra-identity was never adopted by either of the two communities.

In addition to the House of Representatives, the Constitution provided for separate Greek and Turkish Cypriot Communal Chambers with legislative power over all religious, educational and cultural matters; ethnic status, and the composition and instances of courts dealing with civil disputes relating to ethnic and religious matters; and the imposition of individual taxes and fees on members

²⁷ *Ibid*, p. 123, Article 78.

of their respective communities in order to provide operating funds for such needs as schools and agricultural cooperatives. Any issue that might lead to a controversy between either of the Communal Chambers and the House with regard to the constitutionality of their right to tax could be brought before the Supreme Constitutional Court. The House of Representatives was to extend financial assistance to the Greek Cypriot Communal Chamber of not less than £1,600,000 annually and to the Turkish Cypriot Communal Chamber of not less than £400,000 annually. Any law or decision passed by a communal chamber needed to be signed by the president or vice president before becoming official. Furthermore, rather than civil courts, the two communal chambers were given jurisdiction over all matters pertaining to the family.²⁸ Each community could independently determine the number of members in its own chamber (the Turkish Communal Chamber had 30 members and the Greek Communal Chamber had 24 members) who would be elected for five-year terms. Although the Greek Cypriot Communal Chamber was abolished after December 1963, the Turkish Cypriot Communal Chamber continued to function.

The constitution provided for the establishment of separate Greek and Turkish municipalities in Nicosia, Limassol, Famagusta, Larnaca and Paphos. In fact, the actual division between Greek Cypriot and Turkish Cypriot municipalities had long been in effect, and official separation of municipalities in all districts, including Kyrenia, had been instituted following the Greek and Turkish Cypriot hostilities in 1957. According to the constitution, members of the Municipality Councils were to be elected by members of their respective ethnic communities residing in the municipality. Joint municipal services were to be carried out by a coordinating body established for that purpose and composed of two members of each community who would jointly elect a president. Adoption of any law relating to the municipalities would require separate majorities of the Greek and Turkish Cypriot members of the House of Representatives taking part in the vote. After four years, the president and the vice president were to determine the viability of the governmental program; however, due to the unwillingness of the Greek Cypriot legislators to implement the provisions of the 1960 constitution, no real

²⁸ *Ibid*, pp. 125-133.

progress was achieved towards the official establishment of separate municipalities.

Both the civil service and the security forces of the Republic of Cyprus were required to be composed of 70 percent Greek and 30 percent Turkish Cypriots. (In fact, the Turkish Cypriot positions were never fully allocated in certain areas.)²⁹ The security forces consisted of the police and gendarmerie, both of which operated under the Ministry of the Interior. The police force, comprised of 1,150 officers, was responsible for public order and safety in the six principal towns on the island, whereas the gendarmerie, comprised of 850 officers, was responsible for public order and safety in villages and rural areas. The police force also had a marine branch that operated patrol boats in Larnaca, Limassol, Famagusta and Kyrenia Harbors and whose duties consisted of enforcement of customs and shipping regulations, rescue and coastal patrol.

A Cypriot national army of 2,000 was to consist of 60 percent Greek Cypriots and 40 percent Turkish Cypriots, who would enlist voluntarily for three years; compulsory military service could not be instituted without the consent of both the president and the vice president. The army never fully came into being, and training was a problem. The political animosity of the two communities prevented the full integration of army personnel. The Turkish Cypriot's opposed the Greek Cypriots' proposal for full integration and, instead, integration at battalion level was suggested, ostensibly in order to prevent problems from arising due to religious dietary restrictions. Commanders and deputy commanders of the army, police and gendarmerie were to be appointed jointly by the president and the vice president. The armed forces were in all circumstances to operate under the leadership of three individuals – either a Turkish Cypriot commander with two Greek Cypriot deputies, or a Greek Cypriot commander with two Turkish Cypriot deputies.

A separate Treaty of Alliance³⁰ between the Republic of Cyprus, Greece and Turkey was agreed for the stationing of Greek and Turkish troops on the

²⁹ *The Cypriot Turkish Case and Greek Atrocities in Cyprus*, (Nicosia: Halkın Sesi Press, 1964), pp. 17-36.

³⁰ For the full text of the Treaty of Alliance, see, Annex 6.

island and the training of the Cypriot army. The Greek force would consist of a single regiment comprised of 950 Greek soldiers, whereas the Turkish force would consist of a single regiment comprised of 650 Turkish soldiers. The three armies would be led by a triumvirate whose leadership would rotate between a Greek, a Turk and a native Cypriot on an annual basis. (Although this arrangement was operational until 1963, it is no longer the case.) The fourth army on the island, the British army, was to operate within a limited area of thirty-eight and a half square miles.

The Treaty of Guarantee³¹ was signed by Great Britain, Greece, Turkey and the Republic of Cyprus. The most significant provisions are found in Article II, which forbids any activity aimed at promoting enosis or partition of the island, and Article IV, which allows any or all of the guarantor nations to consult and act jointly in the event of a breach of the treaty provisions; if concerted action to guarantee the status quo was not possible, the treaty permitted any one of the guarantor nations to act unilaterally.

The Supreme Constitutional Court, located in Nicosia, was responsible for interpreting the constitution, including questions involving alleged communal discrimination or constitutional violations. The court was comprised of one Greek Cypriot judge, one Turkish Cypriot judge and a neutral president who could be neither Cypriot, Greek, Turkish nor British. Supreme Constitutional Court judges were appointed jointly by the president and vice president. The president was appointed for six years, while the Cypriot judges were to remain in office until retirement at age 68. Responsibility for determining jurisdictions in matters concerning the two communities was to be placed in the hands of the High Court of Justice, located in Nicosia, which was to be the highest appellate court for civil and criminal matters. The High Court was composed of two Greek Cypriots, one Turkish Cypriot and a neutral president, all of whom were appointed jointly by the president and vice president of the Republic for six-year terms. Each Cypriot judge was given one vote and the neutral president two votes so as to avoid any possibility of a tie. (A Canadian, John Wilson, was initially appointed as neutral president, but he resigned in May 1964 due to the crises on the island.) In civil or

³¹ For the full text of the Treaty of Guarantee, see Annex 5.

criminal disputes involving both Cypriot communities, the High Court of Justice would determine the composition of the Court, which was required to include judges from both communities. Civil disputes involving only one ethnic group would be decided by a tribunal composed of judges from the same community, whereas criminal disputes involving only one ethnic group would be decided by the appropriate Communal Court.

Following independence, Cyprus continued to maintain economic and political ties with the United Kingdom. On July 7, 1959, Cyprus declared its wish to remain in the Sterling zone, and six months after independence, the Cypriot legislature, by a four-to-one majority vote, decided to join the Commonwealth for a five-year trial period. On September 20, 1960, the Republic of Cyprus was admitted to the United Nations. Strategically, Cyprus continued to remain of international significance. Great Britain regarded Cyprus as a convenient base for peace-time operations in the Middle East and for stationing advance troops in the event of war. The London-Zurich Agreements granted Great Britain full sovereign rights over the Akrotiri and Dhekelia Bases, although the total area ceded was only 99 square miles, rather than the 120-170 square miles requested by Britain. An early disagreement between Makarios and British leaders over the administration of the bases was resolved when London agreed to extend aid to Cyprus beyond the initially proposed five-year period. Although the bases are rumored to be armed with atomic weapons, the British Government has not divulged any information on the subject. Whether nuclear-armed or not, the bases were, and still remain, an important element in the island's economy. On August 2, 1960, Sir Hugh Foot indicated that expansion of the bases would cost \$214 million and money spent by troops and other British personnel would bring in about \$28 million a year to the island, which would provide a great boost to the Cyprus economy. The island also houses several American radio installations, which together bring about \$2.8 million annually into the Cyprus economy. The two largest installations are the Voice of America relay station in Nicosia and the Foreign Broadcast Information Service in Karavas, Kyrenia, whereas the remainder are small American navy radio installations.

With the granting of independence, both communities hoped that the conflict that had been dividing Cyprus was at long-last solved. Needless to say, this was not the case. Although the constitution of the Republic of Cyprus granted separate rights to each community so that the minority would not be placed under the jurisdiction of the majority, Greek and Turkish community leaders have been in disagreement over the issue of constitutional rights since the Republic's foundation. One particular area of dispute has had to do with the question of municipalities, with the Turkish community wanting its constitutional right to maintain separate municipalities in each of the five largest cities in Cyprus upheld.³²

On November 2, 1962, President Makarios began a two-day state visit to Turkey to carry out talks aimed at preventing the widening of distrust and hostility between Greek and Turkish Cypriots. During the talks in Ankara, Turkish leaders asked Makarios to make every effort to ensure the speedy adoption of the constitutional rights of the Turkish Cypriots. Ankara was sympathetic towards President Makarios's complaints regarding certain impediments to the smooth working of the constitution and ensured him that any technical flaws could be settled through patient and well-meaning efforts. However, the Greek Cypriots, who had only reluctantly consented to the settlement in the first place, always maintained that the power-sharing mechanisms embedded in the constitution of the Republic of Cyprus were unworkable and in need of revision. In the long run, the reluctant consent of the Greek Cypriots thwarted the continuation of the historic bloc that had been jointly created by Greece, Turkey, Britain and the Turkish Cypriots.

3.2 De-construction of the Convergence: 1963-1967

The Greek Cypriots attempted to deconstruct the historical bloc by using the concept of self-determination. The primary aim of the Greek Cypriots was to prevent Turkish military intervention and secure international support from other

³² The fact that the Greek Cypriots, disregarding this constitutional right, backed down from the London-Zurich Agreements, was confirmed by in a personal interview with the author on April 25, 2007 former Turkish Cypriot Communal Chamber president İsmail Bozkurt.

states under the umbrella of the United Nations, which it would try to use as a tool to change the power-sharing administrative system that had been established in Cyprus and deconstruct the historical bloc that had been formed. The Greek Cypriots looked upon internationalization of the problem through the United Nations as an escape clause from the dictates of the 1960 settlement. In order to turn the United Nations into a Greek Cypriot national policy tool, Makarios alleged a Turkish threat. As stated succinctly by Joseph S. Joseph:

Political motives and objectives coupled with diplomatic expediency prompted the Greek Cypriots to request U.N. involvement and seek internationalization of the problem through U.N. institutions... In doing so, they placed emphasis on the international aspects of problem, especially the threat to use force by Turkey against the independence, unity, and nonalignment... Since the international political environment was favorable to the notions advanced by the Greek Cypriots, the Cypriot government managed to turn the U.N. institutions into instruments of national policy. In this regard, the U.N. provided a ground for diplomatic maneuvering, a platform for political debate, and means for mobilizing foreign governments and world public opinion in support of the independence, unity, and non-alignment of Cyprus.³³

The year 1963 began in a state of tension over Turkish Cypriot constitutional rights, and that tension grew steadily, leading to civil warfare between Greek and Turkish Cypriots. Turkish Cypriots had been unable to secure jobs in the public service, and the Public Service Commission ignored their rights with regard to the 70:30 ratio stated in Article 123 of the constitution.³⁴ There were disagreements as to the functions of the Commission, which was comprised of seven Greek Cypriots and three Turkish Cypriots and had absolute authority over appointments and promotions to fill vacant and newly created posts. Turkish Cypriot members accused their Greek Cypriot counterparts of prejudices against the Turkish Cypriot community, and in 1961, when the Commission refused to appoint the allotted number of Turkish Cypriots to forest guard vacancies, Rauf Denктаş, leader of the Turkish Cypriot Communal Council, took the case to the

³³ Joseph S. Joseph, *Cyprus: Ethnic Conflict and International Politics*, (UK: Palgrave, 1999), p. 114.

³⁴ Colonial Service, *op. cit.*, p.138.

Supreme Constitutional Court. The Public Service Commission claimed that the Turkish Cypriot candidates were unqualified for the positions, and Attorney General Criton G. Tarnarites supported the Commission's decision. Turkish Cypriot leaders charged Tarnarites with biases against the Turkish Cypriot community, despite constitutional requirements that the attorney general remain impartial in cases involving the interests of the two communities.

In 1961-1962, disagreements surfaced among Greek and Turkish Cypriot members of the House of Representatives over income tax law. Under Paragraph 2, Article 88 of the constitution, the Turkish Communal Chamber was to receive £ 400,000 and the Greek Communal Chamber £ 1,600,000 from the general revenue of the Republic. In order to meet their expenses, Paragraph 1 (f) of Article 87 and Article 88 of the constitution empowered the Communal Chambers to impose personal taxes and fees on members of their respective communities. Turkish Cypriot members of the House expressed their desire for both Communal Chambers to abide by the Constitution, whereas Greek Cypriot members of the House maintained that income taxes should be under the control of the Central Government. According to this unconstitutional proposal, the central Government would retain a certain portion of the income taxes collected from both communities and then distribute the remaining sum to the Greek and Turkish Cypriot Communal Chambers in proportion to what had been collected from their respective communities. The Turkish Cypriot group refused to support the Greek Cypriot proposal, suggesting that the income tax laws should be implemented according to the Constitution; however, they were willing to make changes to the laws if, after a trial period of 27 months, they proved to be an encumbrance on the government administration. The Turkish Cypriot members also suggested that the central government could collect the annual income taxes of foreign residents, foreign companies, and domestic companies, but not the personal income taxes of Cypriot citizens. The Greek Cypriots did not agree to this second proposal, and the issue remained unresolved. All taxes and duties, except for the income tax of citizens, continued to be collected by the Central Government; income taxes from citizens were collected by the Communal Chambers, but were insufficient for covering their deficits. Furthermore, the failure of the Central Government to pay

out the full shares allotted to the Communal Chambers caused them to curtail some of their responsibilities due to budgetary problems.

Another constitutional disagreement concerned the national army. In October 1961, Vice President Küçük vetoed President Makarios's proposal for complete integration of the two communities at all levels of the armed forces. At the same time, Dr. Küçük's suggestion for the formation of a separate unit for each community was not accepted by Makarios. As a result, no effort was made by the executive branch to implement the constitutional provision for a national army. In December 1963, when the communal strife began, the army and security forces, which had never achieved full strength, became part of the *de facto* forces of the two ethnic groups. Both communities appear to have organized themselves into paramilitary organizations, EOKA and TMT, whose members included large proportions of their respective communities, including the communities' leadership.

In January 1963, Greek Cypriot members of the House objected to separate municipalities and supported President Makarios's wish to issue a decree that would place all former municipal areas under a 12-year-old British Colonial Village Improvement Law. Under this 1950 law, President Makarios, with the support of the Council of Ministers, wanted to appoint Improvement Boards to take over the health, sanitation and other local services from the local municipal officials. Vice President Küçük and the Turkish Cypriot ministers objected, saying that the presidential decree was unconstitutional. However, the Improvement Boards were set up over the objections of the Turkish Cypriots, who refused to recognize them. Instead, the Turkish Communal Chamber, with Küçük's support, took every measure required to establish separate Turkish Cypriot municipalities according to the constitution; however, President Makarios refused to recognize them. As a result, Vice President Küçük, Defense Minister Osman Örek and Turkish Communal Chamber President Rauf Denktaş went to Ankara to consult with the Turkish government regarding the difficulties Turkish Cypriots were encountering in obtaining their constitutional rights. Turkey voiced its support for separate municipalities and its intention of upholding the constitutional rights of the Turkish Cypriots. Ankara also advised President Makarios to follow the

constitution, noting that the Turks regarded the abolition of municipalities and the handing over of municipal functions to government agencies as illegal. Makarios responded in a press conference, declaring that he did not concede to any foreign country the right to intervene in the internal affairs of Cyprus.

On March 1, 1963, the Turkish Cypriots took the case of the municipalities to the Supreme Constitutional Court. Denктаş accused President Makarios of “acting like a dictator”³⁵ and asked the Court to find the government’s action of abolishing the municipalities unconstitutional. On April 25, 1963, the Supreme Constitutional Court announced its ruling on the issue. Professor Ernst Forsthoff, the neutral president of the court, and Turkish Cypriot Judge Necati Münir found the Council of Ministers decision to establish Improvement Boards in place of municipal councils to be invalid. Greek Cypriot Judge Michael Triantafyllides stated that the Turkish Cypriot Communal Chamber had no competence to pass a municipal law and that neither the municipal councils nor the Improvement Boards were legal.

Disregarding the Supreme Court decision, President Makarios and the Greek Cypriot legislative members continued their drive for unified municipalities, leading Court President Forsthoff to resign from his post on July 15. His assistant, Dr. Christian Heinze, subsequently resigned as well, when Triantafyllides, the Greek Cypriot judge, accused him of acting against the political interests of the Greek Cypriot community. On December 27, Professor Forsthoff stated publicly that he had resigned because he was convinced that Makarios had no intention of abiding by the Court’s orders. He added: “I am convinced that if the Government of Cyprus would have been able to stick to the Constitution for five years, most of the problems would have been mastered...at the root of the Cyprus tension lies the move to abolish the Turkish minority’s rights in the island state.”³⁶

On EOKA Day, March 31, 1963, Glafkos Clerides, the Greek Cypriot president of the House of Representatives, made a warm appeal for the strengthening of Greco-Turkish Cypriot friendship; however, President Makarios

³⁵ Cyprus Mail, January 1, 1964.

³⁶ *Turkish Views on Cyprus*, p. 11.

declared that the aim of the EOKA struggle had nothing to do with the creation of the Republic “in any shape or form.”³⁷ Rather, he argued that enosis was still the primary objective of the Greek Cypriots. Turkish Cypriots and Turkish leaders protested Makarios’s speech as utterly irresponsible and dangerous. In response, Vice President Küçük announced that the Turkish Cypriots could not accept enosis and would resist all attempts to achieve it by “all legal means available to us.” Makarios, in a November 30, 1963 memorandum sent to the Turkish Cypriot leaders and to the Turkish government entitled “Suggested Measures to Facilitate the Smooth Functioning of the State and Remove Certain Causes of Intercommunal Friction,”³⁸ he outlined 13 points to amend certain provisions of the Cyprus constitution, as follows:

1. Veto rights of both the president and vice president of the Republic should be abandoned.
2. The vice president should be deputized to act for the president in case of temporary absence or incapacity.
3. Both the Greek Cypriot president and the Turkish Cypriot vice president of the House of Representatives would be elected by the House as a whole, rather than the present system by which the votes were cast for each office only by members of the respective communities.
4. The vice president of the House of Representatives should be deputized to act for the president of the House of Representatives in case of temporary absence or incapacity.
5. Constitutional provisions regarding separate majorities for enactment of certain laws by the House of Representatives would be abolished.
6. Unified municipalities would be established.
7. The administration of justice would be unified.

³⁷ Hal Kosut, *Cyprus: 1946-1968*, (New York: Facts on File, Inc., 1970), p. 103.

³⁸ For the detailed discussions, see, Stanley Kyriakides, *Cyprus: Constitutionalism and Crisis Government*, (Philadelphia: University of Pennsylvania Press, 1968).

8. The division of the Security Forces into Police and Gendarmerie would be abolished.
9. The numerical strength of the Security Forces and Defense Forces would be determined by a law.
10. Proportional participation of Greek and Turkish Cypriots in the Public Service and Armed Forces of the Republic would be modified in accordance with the Greek and Turkish Cypriot ratios of the population.
11. The Public Service Commission would be reduced from 10 members to five.
12. All decisions of the Public Service Commission would be approved by a simple majority.
13. The Greek Communal Chamber would be abolished.

Makarios delivered a speech on the January 5, 1962 stated that:

The noble struggles of the people never come to an end. These struggles, although undergo transformation, are never terminated. The struggles of the people of Cyprus, too, will go on. The Zurich and London agreements from a landmark in the course of this struggle, but at the same time, are starting point and bastion for further struggles, with the object of capitalizing on what has been achieved for further conquests.³⁹

Tasos Papadopoulos, Minister of Labor, also delivered a speech on August 16, 1963 where he stated that:

The President's recent declaration of his desire to abrogate the Treaty of Guarantee and obtain revision of the negative provisions of the Constitution came of no surprise to his entourage. It was the natural and expected confirmation of plan and intention which were born in the mind of the Leader since the day of the birth of the Cyprus Republic. This declaration is nothing more than the natural and inescapable commandment of our Greek history, and is the answer to challenge of history to our present generation. All know the negative points of the agreements. It requires no high intelligence, genius, political experience or patriotism to realize that the Agreements need revision. I am in a position to know that what

³⁹ *Cyprus: Turkish Reply to Archbishop Makarios Proposals*, (Ankara: Ajans Türk Press, 1964), p. 14.

negators now use as mere slogans were in the mind and heart of our Ethnarch since the very first day of the birth of the Republic.⁴⁰

These speeches shows that from the beginning the Greek Cypriots had an idea to revise 1960 Constitutional system according to their hegemonic discourses and also the Greek Cypriots from the beginning did not satisfy with the London-Zurich agreements and while they accepted the agreements reluctantly, they refrained to protect and keep the 1960 constitutional system.

The Turkish Cypriots were asked to consider the 13 points immediately, despite the fact that Makarios's proposals constituted a breach of Article 182 of the constitution, which states that "Articles or parts of Articles of this Constitution... which have been incorporated from the Zurich Agreement dated February 11, 1959, are the basic Articles of this Constitution and cannot, in any way, be amended whether by way of variation, addition or repeal."⁴¹ Paragraph 3 of Article 182 specified that for any provision of the Constitution to be amended, "such amendment shall be made by a law passed by a majority vote comprising the representatives belonging to the Greek Community and at least two-thirds of the total number of the representatives belonging to the Turkish Community."⁴²

The Turkish government rejected the 13-point proposal, but President Makarios dismissed the Turkish viewpoint, saying it constituted interference in the country's internal affairs. The Archbishop and the Greek Cypriot legislators continued with their scheme, disregarding their disagreements with the Turks and violations against the Cyprus constitution, which specified the rights of the Turkish Cypriot expressly in order to prevent their domination or rule by the Greek Cypriots. Thus, the Turkish Cypriots announced that they were willing to sacrifice everything to avoid being dominated by the Greek Cypriots.

Throughout 1963, both communities on the island expected something to occur in Cyprus, however, no one predicted a civil war. The Turkish Cypriots were always confident that the Turkish Government would honor its pledge and come to

⁴⁰ *Ibid*, p. 15.

⁴¹ Colonial Office, *op. cit.*, p. 162.

⁴² *Ibid*, p. 162.

their aid in the event of an attack against them by the Greek Cypriots. It was well-known that the presence of a third power was necessary to keep the peace on the island. Prior to Cypriot independence, the British Government's presence had kept the peace between the two communities. The enosisists had accepted independence, but meant it to be a temporary period before enosis. The Cyprus Patriarchs had always pledged to struggle for enosis, and there was no reason for Makarios to abandon it.⁴³

As a result of political differences, communal clashes began in Cyprus during the second half of 1963, and by December, the situation had worsened. The Greek Cypriot authorities denied the Turkish Cypriot community access to all sources of communication, including telephone, telegraph, radio, television and postal services. The governments of Turkey, Greece and Great Britain, to avoid the escalation of the fighting, expressed their concern and desire for a peaceful settlement.

On December 25, in a show of force, the Turkish Government sent two jets over Cyprus and hinted that it might be forced to take unilateral military action to stop the massacre of the Turkish Cypriots. Turkish naval units were also dispatched towards Cyprus. In denouncing the massacre, Turkish President Cemal Gürsel appealed to Western leaders to use their influence to stop the fighting on Cyprus. President Gürsel sent messages to Queen Elizabeth II of England, U.S. President Lyndon Johnson, French President Charles de Gaulle, West German President Heinrich Lübke and King Paul of Greece, requesting their help in stopping the bloodshed.⁴⁴ In order to allay fears of a Turkish military intervention on Cyprus and halt the struggle between the two communities, the British government, with the consent of the Greek and Turkish governments, placed all military forces on the island under the unified command headed by British Lt. General P.G. Young. A political committee consisting of the British, Greek and Turkish ambassadors and representatives of the Greek and Turkish Cypriot

⁴³ For a review of political life in the Republic of Cyprus, see, Özdcemir Özgür, *Hayatımda Kıbrıs: Bir Kıbrıslı Türk Diplomatın Tanıklığı*, (Lefkoşa: Galeri Kültür Yayınları, 2000).

⁴⁴ Halil İbrahim Salih, *Cyprus: An Analysis of Cypriot Political Discord*, (Washington: The American University Press, 1967), p. 148.

communities was formed to guide this joint peacekeeping force, which had been established only after Greek Cypriot police and armed civilians had rounded up hundreds of Turkish Cypriot women and children and transported them to Greek Cypriot quarters as hostages. While the British government was in the process of sending troops to Cyprus to stop the fighting, Turkish troops set out from their camp in the Greek Cypriot sector of the capital and took control of the road from Kyrenia to Nicosia, and the Greek troops left their compound to occupy the road from Nicosia to Morphou.

President Johnson, in a telegram sent to both President Makarios and Vice President Küçük, indicated his displeasure over the fighting between the two communities, stating:

I will not presume to judge the root causes, or rights or wrongs as between Cypriots of the two communities. This is, in any case, inappropriate when innocent human lives are at stake. I hope that tomorrow will find all Cypriots living at peace with one another and with three nations which have special treaty responsibility for the security of Cyprus.⁴⁵

The peaceful appeals of the world leaders to the Cypriots to end their communal strife were futile, and mutual destruction and bloodshed continued.

On December 28, British Commonwealth Secretary Duncan Sandys was sent to Cyprus by the British Government to aid the two community leaders in reaching a compromise. Mr. Sandys proposed the establishment of a neutral zone policed by British soldiers, urging the withdrawal of armed fighters of both communities from border strong points in the towns in order to avoid any incidents. The British troops divided Nicosia and other major towns on the island into Greek and Turkish Cypriot sectors. Meeting with British, Greek Cypriot and Turkish Cypriot representatives, Mr. Sandys recommended the following: 1) freedom of movement for British patrols in both sectors of Nicosia; 2) arrangements for the Turkish Cypriot dead and wounded to be removed from the Omorphita area, which was under Greek Cypriot control; and 3) the return of

⁴⁵ *American Foreign Policy, Current Documents 1963*, p. 471.

refugees, hostages and other prisoners by both sides. The proposal was accepted by both communities, which helped ease tensions.⁴⁶

After much debate, the Greek and Turkish Cypriots reached an agreement to exchange hostages with the aid of the British Royal Air Force. Following the exchange, Makarios expressed his desire for peace and stated that the Constitution of the Republic of Cyprus needed to be rewritten in order to remove the sources of conflict between the two communities. Vice President Küçük also declared the Cypriot constitution dead, but went on to say that there was no possibility of the Turkish community living together with the Greek community.⁴⁷ Three years of independence from Britain, Küçük said, “proved beyond any doubt the Greek Cypriots are unwilling to recognize the Turkish community’s right to live on the island unless the Turks agree to accept full Greek Cypriot domination.”⁴⁸

Greek Cypriot Foreign Minister Sypros Kyprianou blamed the internal political instability on Greece and Turkey and announced the end of treaty links with both countries. The chief aim of President Makarios and his associate in abolishing the treaty was to establish a Cypriot government under majority control. Mr. Kyprianou’s political maneuvers represented an attempt to isolate Turkey. Turkish Cypriots ridiculed his statements, saying: “Kyprianou has no authority to express an opinion on behalf of a non-existent government. At the present time Kyprianou cannot claim to be a minister, he is in our view nothing but a member of the Greek community, which, shielded behind government authority, has committed numerous murders and caused devastation and untold atrocity on the island.”⁴⁹

On January 1, 1964, President Makarios announced unofficially that he intended to abrogate the two treaties binding Cyprus with Greece, Turkey and Great Britain.⁵⁰ This move represented an attempt by the Greek Cypriots to

⁴⁶ Murat Sarıca, Erdoğan Teziç, and Özer Eskiyyurt, *Kıbrıs Sorunu*, (Istanbul: İstanbul Üniversitesi, 1975), p. 59.

⁴⁷ Halil İbrahim Salih, *op cit.*, p 151

⁴⁸ *Ibid*, p. 152.

⁴⁹ *Ibid*, p. 153.

⁵⁰ *Ibid*, p. 154.

deconstruct the historical bloc and the 1960 settlement and turn the Cyprus problem into an international issue in order to garner support from other states and prevent a possible Turkish military intervention. The three guarantor powers disagreed with Makarios and warned him to refrain from such illegal, unconstitutional ventures. Greece disapproved of Makarios's intentions and indicated that abrogation of the treaties might lead Ankara to intervene in Cyprus, adding that while in principle Athens had no objection to cancelling the treaties, it did not wish to clash with Ankara over the issue.⁵¹ For his part, Vice President Küçük argued that Makarios had no right to unilaterally change the constitution.

In order to halt the escalation of fighting, on January 2, 1964 Greek and Turkish Cypriot leaders agreed to attend a conference in London to address their differences in round-table discussions. Both Turkish and Greek Cypriot leaders requested that UN Secretary-General U Thant appoint a representative to observe the progress of the peacekeeping operations and report back to him. U Thant appointed Jose Rolz-Bennett, his Deputy Chef de Cabinet, as observer at the London Conference. The Turkish Cypriots were represented by Rauf Denktaş, chairman of the Turkish Communal Chamber; Halit Ali Rıza, a member of the House of Representatives; and Defense Minister Osman Örek. The Greek Cypriot delegation was headed by Foreign Minister Spyros Kyprianou. The Greek and Turkish Cypriot representatives were sounding off on their platforms even before the conference got under way, which proved to be an ill-omened start, as the four-power conference reached a deadlock shortly after it began on January 15. The Greek Cypriots insisted on a revision of the Zurich-London Agreements, which would have deprived the Turkish Cypriots of all their Constitutional rights.⁵² The Turkish Cypriots proposed some adjustments to the existing constitution and the establishment of a federation that would physically separate the Greek and Turkish communities into distinct provinces.

At this meeting, Denktaş charged that 35 percent of the Greek Cypriots were either communists or communist supporters who intended to turn Cyprus into

⁵¹ *Ibid*, p. 156.

⁵² For a review, see, Catharine D. Papastathopoulos, "Constitutionalism and Communalism: The Case of Cyprus", *The University of Toronto Law Journal*, 1965, Vol 16, No. 1, pp. 118-144.

Cuba. It looked as if no fruitful results would be reached at the 13-day conference, as the Greek and Turkish Cypriots rejected each other's proposals, so that on January 20, in order to save the conference, Duncan Sandys offered a compromise solution. Although, as Bölükbaşıoğlu has argued, elements of the British plan, such as the adoption of a parliamentary system without communal quotas or local communities, could be considered pro-Greek as well as pro-Turkish,⁵³ neither side was satisfied. Sandys's proposal was rejected on January 21, 1964, leading to a two-day suspension of the conference. That same day, U.S. Secretary of State Dean Rusk asked U.S. Ambassador to Turkey Raymond Hare to assure the Turkish government that if the London Conference should fail, the NATO Council would take up the issue, adding that Turkey should be reminded that it was an integral part of the NATO family and that the United States would do its best to accommodate Turkish interests.⁵⁴ Secretary of State Rusk was aware that the situation was getting out of hand and that if Washington wanted to prevent a debacle in NATO's south-eastern flank, it had to do something. The primary U.S. interest was in maintaining stability and cooperation among its NATO allies.⁵⁵

As the above discussion should make clear, there was mutual agreement with regard to the demise of the Cypriot constitution. A sense of mistrust was also shared by both sides. The Greek Cypriots' refusal to honor the constitutional rights of the Turkish Cypriots under the Zurich-London Agreements and President Makarios's scheme to neutralize all the constitutional powers given to the Turkish Cypriots had been clearly demonstrated.⁵⁶ All efforts towards compromise proved futile. One community's wish to dominate the other was opposed by the other's desire to live separately. Thus, two *de facto* governments had formed within the one state, and a clash between these two political entities was inevitable. Makarios

⁵³ Süha Bölükbaşıoğlu, *The United States-Turkey Influence Relationship during the Cyprus Crises*, (Ann Arbor: UMI, 1987), p. 111.

⁵⁴ *Ibid*, p. 111-112.

⁵⁵ For the American Policy, see, Ellen Liapson, "The United States and Cyprus: Past Policies, Current Concerns", in *Cyprus: A Regional Conflict and its Resolution*, ed. by Norma Salem, (Ottawa: St. Martin's Press, 1992), pp. 90-99.

⁵⁶ For details, see, Norma Salem, "The Constitution of 1960 and its Failure", in *Cyprus: A Regional Conflict and its Resolution*, ed. by Norma Salem, (Ottawa: St. Martin's Press, 1992), pp. 117-125.

was determined to crush the Turkish Cypriot opposition; however, his attempts to achieve this objective were to have far wider international repercussions than he had anticipated.

Turkish Prime Minister İsmet İnönü declared that if the United States and other international actors did not do anything to provide security and stability in Cyprus, Turkey would have to intervene. Following İnönü's statement, on January 31, 1964, Britain, with U.S. approval, proposed a NATO peace-keeping force of 10,000 to serve in Cyprus for a three-month period, during which time Turkey would promise not to intervene.⁵⁷ The U.S. administration offered support, promising to contribute 1,200 troops to the force.⁵⁸ It was clear that İnönü's declaration regarding Turkey's possible use of military force in Cyprus led to the change in U.S. policy because Washington did not want to lose control over NATO's south-eastern flank. Both Turkey and Greece accepted the proposal for a NATO peace-keeping force, but it was rejected by Makarios on February 4, 1964. In a letter sent to the U.S. and British governments, Makarios explained that he had five major reasons for rejecting the NATO proposal, primarily among them the fact that the peacekeeping force stationed in Cyprus would not be operating under the U.N. Security Council, which was the only international organ created for and entrusted with the preservation of peace.⁵⁹ With this rejection, Makarios was able to prevent not only NATO involvement in the Cyprus problem, but the U.S. involvement that İnönü had called for. Makarios favored the involvement of the United Nations, since there he could get Soviet support as a counter-weight to the United States.

In fact, Soviet support for Makarios, along with the lack of readiness of the Turkish Armed Forces to undertake an intervention in Cyprus, were the major

⁵⁷ *American Foreign Policy Documents*, 1964, Document IV-92, p. 556. Article 2 stated that the Governments of Turkey undertake not to exercise their right of unilateral intervention under Article 3 of the Treaty of Guarantee for three months on the understanding that the peacekeeping force would be in place during this period. This statement by the British and U.S. administrations indicated that the guarantor powers, Turkey and Greece, each had the unilateral right of intervention according to the Treaty of Guarantee.

⁵⁸ See, Claude Nicolet, "The Development of US for the Resolution of the Cyprus Conflict in 1964: The Limits of American Power", *Cold War History*, 2002, Vol. 3, No.1, pp. 95-126.

⁵⁹ *American Foreign Policy Documents*, 1964, Document IV-93, p. 557.

reasons why İnönü postponed his decision to intervene. The Soviet Union⁶⁰ opposed Turkish intervention in Cyprus, fearing that it would result in the partition of Cyprus between NATO-members Greece and Turkey, whereas the preservation of Cyprus's independence would perpetuate the conflict between the two allies and destabilize NATO. The partition of Cyprus would also eliminate any possibility of AKEL establishing a communist regime on the island.⁶¹ Moscow supported Makarios because he was perceived as the only person who could assure the independence of Cyprus. Soviet Ambassador to Cyprus Pavel Yermosin delivered a message to Makarios indicating Moscow's full support "for the Greek Cypriots and the independence, sovereignty and territorial integrity of Cyprus."⁶² It is possible to conclude that Soviet support for Cyprus independence was not due to any strong interest in protecting its territorial integrity or independence, but that the Soviets looked upon Cyprus under the light of Cold War realities, viewing Cyprus as another ground of competition between themselves and the United States.

Upon Makarios's rejection of NATO forces, the U.S. administration decided to send Undersecretary of State George Ball to try and convince Makarios that some kind of peacekeeping force was needed in Cyprus to prevent an intervention by Turkey. Turkey accepted Ball's proposal of a peacekeeping force without U.S. participation on February 10, 1964, but Makarios insisted on a U.N. peacekeeping force composed of troops from Commonwealth countries. Makarios's primary goal was preventing Turkish intervention in Cyprus, and he was using every opportunity to achieve this. Ball's negotiations led him to conclude that Turkey was insistent on unilateral intervention, and that instead the three guarantor powers should exercise their rights of joint intervention under Article 4 of the Treaty of Guarantee.⁶³ President Johnson accepted Ball's

⁶⁰ For the details of Soviet Union policy on Cyprus, see, Augustus Richard Norton, "The Soviet Union and Cyprus", in *Cyprus: A Regional Conflict and its Resolution*, ed. by Norma Salem, (Ottawa: St. Martin's Press, 1992), pp. 100-114.

⁶¹ Bölükbaşıoğlu, *op cit.*, p. 118.

⁶² *Ibid*, p. 119.

⁶³ *Ibid*, p. 124.

recommendation and asked the British government to convene a summit conference in order to plan for a tri-partite intervention. Ultimately, however, a tripartite intervention did not materialize because the U.N. Security Council had already started to discuss the Cyprus crisis.

The request for an emergency meeting of the Security Council to look into Cyprus was brought by both Britain and Cyprus following Makarios's rejection of the new British-American proposal for an international military force. For Britain, the request represented a reversal of London policy on the Cyprus dispute. Britain had been against a Security Council debate because it feared the Soviet Union would use its veto power to block any move for peace; however, Britain eventually agreed to open debate to discuss the peacekeeping operations. The United States also changed its policy change in favor of opening debate in the Security Council.

Cypriot delegate Zenon Rossides, in his February 15 request for a Security Council meeting, warned that Cyprus faced imminent invasion by Turkey. The Greek Cypriots' main aim in going to the Security Council was to prevent Turkish military intervention and get the support of international actors to achieve its ultimate goal of establishing a unitary state on Cyprus. The Turkish Cypriots and Turkey, meanwhile, were principally concerned with protecting the rights won under the London-Zurich Agreements. Although the Turks informed both the British and the Americans that they would not intervene in Cyprus while peace efforts were underway, the Turkish government defended its right to intervene on the basis of Article IV of the Treaty of Guarantee, which states:

in the event of a breach of the provisions of the present Treaty, Greece, Turkey and the United Kingdom undertake to consult together with respect to the representation or measures necessary to ensure observance of those provisions. In so far as common or concerted action may not prove possible, each of the three guaranteeing Powers reserves the right to take action with the sole aim of re-establishing the state of affairs created by the present Treaty.⁶⁴

Turkey's utilization of this article as a basis for its argument was consistently refuted by the Greek Cypriot and Greek governments. In coming to

⁶⁴ See, Annex 5

the Security Council in early 1964, Cyprus hoped that the United Nations would also reject such an interpretation. Greek Cypriot representatives maintained that the use of force was neither permitted under the terms of Article IV nor consistent with the U.N. Charter. The Greek Cypriots wanted to deconstruct the Treaty of Guarantee in order to achieve their aim of setting up a unitary state in Cyprus. A Security Council resolution declaring that Turkey had no right to use force under Article IV of the Treaty of Guarantee would serve Greek Cypriot purposes, not only because it would have reduced the risk of Turkish military action, but also because such a resolution would be a major step in gaining international concurrence, or at least acquiescence, for the Cypriot renunciation of the Treaty of Guarantee and other 1960 agreements.⁶⁵

The Security Council opened formal debate on February 18, 1964. The starting point for the debate was provided by Secretary-General U Thant in a plan submitted to Britain, Greece, Turkey, Cyprus and the United States, the principal outline of which was as follows: 1) an international peace-keeping force should be formed with the consent of the four principal parties without formal Security Council authorization; 2) upon agreement, the secretary-general would report the force's formation to the Security Council, which would then adopt a resolution taking note of the four-power agreement; 3) should Britain, Turkey, Greece and Cyprus fail to agree on a peace force, a mediator would be appointed to seek a solution within two weeks; and 4) the secretary-general or the Security Council president would issue a statement upholding Cyprus independence and territorial integrity; such a statement would be aimed at satisfying President Makarios's repeated demands for a Security Council resolution guaranteeing his country's freedom.⁶⁶ Cypriot Foreign Minister Kyprianou rejected Thant's proposal, maintaining that his government would accept nothing short of an outright Security Council resolution guaranteeing Cyprus's territorial integrity. Meanwhile, Turkish Ambassador to the U.N. Turgut Menemencioğlu expressed his government's opposition to a Security Council commitment on Cyprus, saying

⁶⁵ Thomas Ehrlich, *Cyprus 1958-1967: International Crises and the Role of Law*, (London: Oxford University Press, 1974), p. 71.

⁶⁶ Hal Kosut, *Cyprus: 1946-1968*, (New York: Facts on File, Inc., 1970), p. 89.

Turkey sought a resolution that would specifically endorse the 1960 Cyprus Constitution and treaty guaranteeing its independence.

British interest in the crisis that had begun in late 1963 revolved primarily around preventing the situation from being transformed into an open armed conflict between Turkey and Greece. Although Britain's strategic role around the world was slowly waning, Cyprus – and the two British bases on the island – were still important. The bases continued to serve not only as part of the NATO shield, but as protection for Britain's Middle East oil supplies as well. The renewal of violence on the island, and, more importantly, the possibility of a direct military clash between Greece and Turkey, put British interests at risk. Similarly, the United States had a strong interest in the peaceful resolution of the crisis. As the most powerful member of NATO, the United States had substantial responsibilities for keeping the peace among its allies. Moreover, it harbored fears that Cyprus could become a communist state as a result of AKEL's power and close relations with the Soviet Union.

During a Security Council meeting on February 18, 1964, Britain's U.N. representative, Patrick Dean, urged the members to endorse Thant's appeal to all sides in the dispute to practice restraint. He asked the Security Council: 1) to urge all parties in the controversy to confer with Thant to secure the establishment of an effective peace-keeping force as soon as possible; 2) to appoint an impartial mediator to help work out a peace settlement; and 3) to call on all countries concerned to respect Cyprus' security "in accordance with the treaty of guarantee."⁶⁷ U.S. Ambassador Adlai Stevenson echoed Dean's call for a quick agreement to a peace force.

However, on February 25, Thant reported to the Security Council that an impasse had been reached in his efforts to establish a peacekeeping force. The deadlock had developed over the issue of the 1960 treaty guaranteeing Cyprus independence. In his talks with Thant, Kyprianou, reflecting his government's fear of a Turkish intervention, had insisted that the Security Council adopt a resolution guaranteeing Cyprus independence with no mention being made of the 1960 treaty. U.K. and U.S. officials had contended in their discussions with Thant that

⁶⁷ *Ibid*, p. 90.

acceptance of such a position would serve to abrogate the 1960 treaty and that the Council was not authorized to take such a step. Turkey also supported the continuation of the 1960 treaty because it allowed Ankara to send troops to Cyprus to protect the Turkish minority on the island.⁶⁸

On March 4, 1964, the Security Council unanimously approved a resolution authorizing an international peacekeeping force on Cyprus for a three-month period.⁶⁹ The resolution also provided for the appointment of a mediator to seek a political solution to the dispute between the island's Greek and Turkish communities. The resolution assigned to Thant the tasks of appointing the mediator and the commander of the force as well as recruiting the force, the size of which was to be determined in consultation with Cyprus, Greece, Turkey and Britain. The force's operations were to be financed by the contributing nations and the governments of Cyprus, and the mediator and mediator's staff were to be paid with U.N. funds.

Cypriot Foreign Minister Kyprianou declared the resolution to be a victory for all the people in Cyprus because it protected them against foreign interference; President Johnson hailed the resolution as a major step towards peace; President Makarios said the resolution meant Turkey could no longer threaten to intervene in Cyprus by citing the Treaty of Guarantee;⁷⁰ and Vice President Küçük interpreted the resolution as a rejection of the Greek Cypriot attempt to abrogate the Treaty of Guarantee.⁷¹ Clearly, each side had its own interpretation of the resolution, which can be said to have been designed on the basis of "constructive ambiguity". Certainly, Turkey's acceptance of the resolution did not abrogate its right of intervention under Article 4 of the Treaty of Guarantee, but Ankara's thesis that the constitutional order no longer existed in Cyprus lost some of its credibility.

⁶⁸ *Ibid*, p. 91.

⁶⁹ For the full text of the Resolution 186, see Annex 8. İter Türkmen argued that Turkey gave its consent to the Resolution 186 having the desire to approve the UN Peacekeeping forces to station on Cyprus to prevent Intercommunal conflict. Also, he added that because of time limit and pressure of the international community, Turkey misreads the political conjecture. Personal interview, Jul 19, 2007.

⁷⁰ Kosut, *op cit*, pp. 93-94.

⁷¹ *Ibid*, p. 94.

The U.N. force was not entrusted with the restoration of constitutional order; on the contrary, it was to be sent to Cyprus only if the Makarios government agreed to its presence. Thus, in accepting a U.N. role in Cyprus, Turkey was, in a sense, recognizing the Makarios regime and abandoning its role as guarantor of the 1960 Agreements.⁷² The Greek Cypriot's regarded this resolution as a turning point, and the Greek Cypriot arguments are still based upon it to this day.

Despite the U.N. resolution, fighting on the island intensified during February and March 1964, and on March 10 the Greek Cypriots informed British authorities that they would no longer recognize the December 1963 agreement that had established a Green Line dividing the Greek and Turkish sectors of Nicosia. This led Turkey's National Security Council to deliver an ultimatum to Makarios, threatening a military intervention if the attacks did not stop. Makarios argued that he was doing everything to stop the violence on the island, and he blamed the Turkish Cypriots for endangering public safety and causing friction. Vice President Küçük urged prompt U.N. intervention to save the Turkish Cypriots from complete annihilation,⁷³ and on March 14, 1964 the first U.N. peace-keeping force⁷⁴, 42 Canadian troops, arrived in Cyprus. While the Turkish government considered this a huge diplomatic success, it did nothing to stop the violence on the island. Prime Minister İnönü warned that if heavy fighting resumed and the Turkish Cypriot's faced annihilation, "Such a thing would leave us no choice but to intervene."⁷⁵ İnönü repeated Turkish demands for a federal state in Cyprus and an exchange of Greek Cypriot and Turkish Cypriot populations. Although it relied on the threat of military force as political leverage for achieving federation or restoring the political order on Cyprus, Ankara actually believed that the U.N. peacekeeping force would be capable of halting the attacks on Turkish Cypriots, whereas it remained doubtful that a military intervention could settle the Cyprus

⁷² Bölükbaşıoğlu, *op cit*, p. 125.

⁷³ Hosut, *op cit*, p. 98.

⁷⁴ See, James M. Boyd, "Cyprus: Episode in Peacekeeping", *International Organization*, 1966, Vol. 20, No. 1, pp. 1-17; and James A. Stegenga, "UN Peace-Keeping: The Cyprus Venture", *Journal of Peace Research*, 1970, Vol. 7, No. 1, pp. 1-16.

⁷⁵ Hosut, *op cit*, p. 99.

dispute. In April 1964, İnönü suddenly changed his attitude towards the United States and began publicly criticizing U.S. policy towards Turkey and Cyprus, saying that Turkey would have intervened, but had been assured by Washington that once the U.N. peacekeeping force was established on Cyprus, the situation would stabilize.⁷⁶ The U.S. administration did not fail to note that İnönü was openly signaling his dissatisfaction with Washington's failure to settle the dispute. During the last two weeks of May 1964, the Turkish Cypriots' situation deteriorated markedly. Moreover, on June 1, in contravention of the 1960 treaties, the Greek Cypriot parliament enacted a conscription law that authorized the government to form an army. The Turkish government publicly protested these latest actions by the Greek Cypriots as the illegal acts of an illegal government, and İnönü, for the first time in months, suggested that he was determined regarding the necessity of Turkish military action.

On June 4, 1964, İnönü called in U.S. Ambassador Raymond Hare to inform him of his government's decision to intervene in Cyprus. He pointed out that despite all of Washington's assurances, attacks against Turkish Cypriots were continuing and the situation was growing worse every minute. İnönü's real objective was to first occupy a part of Cyprus and then open negotiations with the Greeks for a political solution to the problem, since he believed that constructive talks could only take place after the Turkish occupation had become a fact. Ambassador Hare requested 24 hours to consult with the U.S. administration, and İnönü acquiesced.⁷⁷ Although it may be suggested that the Turkish prime minister's willingness to wait for a response from Washington meant that he was not serious about intervention, İnönü's behavior was in line with his personal belief in the need to consult with the United States, both as a matter of principle and of expediency. He had often stated that on important issues allies should

⁷⁶ *Ibid*, p. 128.

⁷⁷ *American Current Documents*, 1964-1968; İnönü and Erkin said that failure to carry out action as planned would cause great disappointment, the results of which could be disastrous. "Why hadn't we asked questions that could be answered? What would I suggest? I said what we needed was time to make our views known. İnönü asked how much time. I said 24 hours, in belief that a request for a longer delay would be refused. İnönü agreed, saying it would be difficult to call off plans at this stage, but that he would do so. He must, however, stress the importance of strict secrecy.

consult each other before executing their decisions,⁷⁸ and aware that the Soviet Union had repeatedly expressed support for Makarios and was opposed to the Turkish military intervention. İnönü naturally sought the consent of the United States.

The U.S. response to the news of an impending Turkish invasion was abrupt and harsh. President Johnson sent a letter to İnönü to stop the Turkish military intervention because he believed it was against U.S. interests. Johnson categorically rejected İnönü's suggestion that all peaceful means were exhausted and stated that Turkey's right to take unilateral action was not yet applicable.⁷⁹

A careful reading of Johnson's letter⁸⁰ indicates that the U.S. government did not want to destabilize NATO, nor did it want to risk coming into conflict with the Soviet Union, which it knew was opposed to Turkish military intervention. Johnson also intimated that the United States might join other U.N. members in condemning Turkey, possibly even imposing sanctions. Finally, he reminded İnönü that he could not legally use U.S.-supplied military equipment in Cyprus without the consent of the United States. As a result of Johnson's objections, İnönü cancelled the intervention and accepted an offer for talks, announcing publicly that he had postponed military action at the request of the U.S. president, who had invited him to Washington to review the situation.

The Turks viewed İnönü's visit to Washington on June 22-23, 1964 as a success. A joint communiqué issued afterwards upheld the Turkish thesis that the 1960 agreements were still valid; moreover, in a move that pleased the Turkish prime minister, President Johnson decided to appoint former U.S. Secretary of State Dean Acheson as a mediator. The Washington visit also had a marked effect on İnönü's thoughts regarding a solution. In stark contrast to his previous calls for a territorial federation in Cyprus, on June 28, shortly after his return from the United States, the Turkish prime minister announced that he would agree to

77 Bölükbaşı, *op cit.* P. 132.

79 *Ibid*, p. 134. For the full text of the President Johnson letter see Annex 9.

80 For a detailed review of Johnson's Letter, see, Haluk Şahin, *Johnson Mektubu*, (İstanbul: Gendaş Predikart, 2002).

Cyprus's unification with Greece, provided that Turkey received a base area large enough to accommodate most of the Turkish Cypriots.⁸¹

In July, Dean Acheson began mediation in Geneva by submitting proposals to Nihat Erim, head of the Turkish delegation, and Nicolareisis, head of the Greek delegation. The Acheson Plan provided for the union of Cyprus with Greece in return for concessions that included ceding a portion of the island to Turkey, which would have full sovereignty over the ceded area in perpetuity. In other words, the plan offered a kind of partition and also granted local autonomy to the Turkish Cypriots in those areas where they were in the majority. Erim responded by telling Acheson that Turkey was ready to accept the plan, provided that the Turkish base area encompass the whole of the Karpas Peninsula, whereas Nicolareisis replied that not only did Greece consider the size of the proposed base too large, it was against the idea of ceding any land at all. Instead, Greece suggested leasing a small base on the Karpas Peninsula to Turkey for 25 years.

It was during this time that the U.S. Embassy in Greece sent a telegram to the U.S. State Department arguing that Grivas and Makarios were cooperating to achieve enosis in Cyprus.⁸² This begs the question as to why the U.S. government, if, in fact, it held the Greek Cypriots responsible for the events occurring in Cyprus, would propose unification of Cyprus with Greece. More important, why did İnönü change his basic policy and accept the Acheson Plan? Apparently, İnönü's decision was based primarily on the belief that Turkey would benefit from reclaiming even just a portion of Cyprus, which had been lost to the British in 1878. In a sense, the Acheson Plan may be read as a "double enosis," able to satisfy both the Turks and the Greeks.

Even as the discussions progressed, the violence in Cyprus escalated, forcing an interruption of the negotiations. When the Greek, Turkish and U.S. representatives returned to Geneva on August 15, 1964 for a second round of talks, the Greek representative again offered Turkey a temporary base on the tip of the Karpas Peninsula for 25-35 years in return for enosis; Erim rejected the offer.

⁸¹ Bolükbaşıoğlu, *op cit.*, pp. 138-139.

⁸² *American Current Documents, 1964.*

Turkey's objective was to annex a part of Cyprus equal in size to the entire Karpas Peninsula, and it was willing to accept the rest of the island's union with Greece in return, provided that the Turkish Cypriots were granted minority rights. Turkey calculated that its own base on Cyprus would enable it to deal with any future contingencies, including a Greek attack on southern Anatolia originating from Cyprus. A permanent base would also enable Turkey to ensure that the Turkish Cypriots, the bulk of whom would remain in the Greek sector, would not be attacked in the future. To be sure, a permanent base was far less than what the Turkish Cypriots and the mainland Turkish public desired; it was a compromise solution for Turkey, which wanted to settle the dispute as quickly as possible.

However, in the second round of negotiations, Acheson made two vital changes to his earlier proposals that Turkey could not accept. Instead of the original proposal for a permanent base in the Karpas region, Acheson offered a smaller base, to be leased to Turkey for 50 years, and he withdrew his earlier proposal for several autonomous Turkish enclaves throughout the rest of the island. The new plan also eliminated the establishment of a central Turkish Cypriot administration in Nicosia to deal with communal affairs such as educational, religious and judicial matters concerning the Turkish community. All these changes were made in order to satisfy the wishes of the Greek Cypriots. Turkey rejected them immediately. The Geneva Conference thus ended in failure, bringing an end to the U.S. initiative for a peaceful resolution to the crisis.⁸³

On August 26, Acheson made it known to Erim and his military consultant, Turgut Sunalp, that the U.S. Sixth Fleet would not interfere if Turkey occupied the area that had been mentioned in the first Acheson Plan.⁸⁴ This suggestion was characteristic of America's growing frustration with the failure of its mediation. İnönü, however, said he could not accept Acheson's confidential offer without written documentation. Interestingly, although the U.S. administration believed that the Geneva negotiations stood a good chance of succeeding if Makarios did

⁸³ For the Turkey-US relations regarding Cyprus, see, Nasuh Uslu, *The Cyprus Question as an Issue of Turkish Foreign Policy and Turkish-American Relations 1959-2003*, (New York: Nova Science Publishers, 2003).

⁸⁴ Bölükbaşıoğlu, *op cit.*, p. 148.

not interfere and prevent Papandreou from compromising, Washington put no pressure of any kind on either Makarios or the Greek government.

The period from 1965-1967 witnessed military expansion on the part of both the Greek Cypriots and Turkish Cypriots.⁸⁵ UN Secretary-General Thant appointed Galo Plaza as a special mediator to find a solution, but the inter-ethnic violence continued. In a report submitted to Thant on March 26, 1965 and made public on March 30, Plaza proposed the establishment of a new government on Cyprus. The report called for direct negotiations between the Greek Cypriot and Turkish Cypriot community leaders, which Plaza believed would produce fruitful results in solving a crisis that endangered both the safety of the Cyprus population and the relationships between the countries most directly concerned. Plaza also expressed his opposition to both enosis and partition, saying that either one of the two would result in a new outbreak of violence. It was not a question, he insisted, of denying the rights of a political majority to rule, but a question of “the need to avoid the excessive dominance of one presently distinctive community over another to an extent and in a manner likely to delay indefinitely the unity of the population.”⁸⁶

The Turkish Foreign Ministry denounced Plaza’s report, accusing the mediator of exceeding his authority in giving his personal views of the Cyprus crisis. Turkish Cypriot leaders also assailed Plaza’s report as favorable to the Greek Cypriots, and issued a formal statement, saying:

The report does not take into consideration the legal rights of the Turkish Cypriot Community and Turkey...The Turkish leadership is convinced that its federation plan is the most equitable and feasible of all possible solutions of the Cyprus problem and does not include anything objectionable to world public opinion such as exchange of populations.⁸⁷

⁸⁵ Nancy Crawshaw, *The Cyprus Revolt: An Account of the Struggle for Union with Greece*, (London: George Allen & Unwin, 1978), p. 372.

⁸⁶ Hosut, *op. cit.*, p. 164.

⁸⁷ S/6275/Add. 1, 12 April 1965.

Once more, the Turkish Cypriots stated that any solution should protect their basic rights and that the preferred solution was a federation based on the 1960 treaties. The Greek Cypriots supported Plaza's report, stating:

The mediator recognizes the right to self-determination of the people of Cyprus without any restriction imposed from the outside, mentioning this right among the basic criteria for the solution of the problem. However, he recommends self-restriction with respect to the exercise of this right as long as there exists a danger to peace caused by the Turkish threat to use force. The Government of Cyprus cannot agree with this view. The right of the people of Cyprus to decide its future on its own can not be restricted because of the threat of use of force by one Member of the United Nations against another. The threat to use force is a violation of the fundamental principle of the Charter of the United Nations, as the Mediator himself indicates in his report.⁸⁸

On April 4, 1965 Makarios declared that "enosis continues to be the goal of the Cypriot people's struggle... There can be no other victory than a realization of the people's national aspiration of union with Greece."⁸⁹ Following the Turkish rejection of Plaza's report, U.N. mediation was suspended, and Plaza submitted his resignation.

3.3 Divergence: 1967-1974

This period would lead to *de facto* partition and included inter-communal negotiations that highlighted the deep differences between the Greek and Turkish Cypriots. While the Greek Cypriots tried to achieve enosis, the Turkish Cypriots tried to secure the equal status granted to them by the London-Zurich Agreements and to protect their communal administration, which had been established during the final days of 1964. The historical bloc that had been formed between Greece, Turkey and Britain was destroyed, and the differences between the Greek and

⁸⁸ S/6275/Add.1, 12 April 1965.

⁸⁹ Hosut, *op cit.*, p. 170.

Turkish Cypriots had widened as a result, leading to a redefinition of their respective hegemonic projects.

Fierce communal fighting on Cyprus on November 15 and 16, 1967 threatened to escalate into war between Greece and Turkey⁹⁰. The government in Ankara warned the government in Athens that its forces would invade Cyprus in order to protect the Turkish Cypriots unless Greece withdrew its troops from the island. International efforts to head off a Greek-Turkish clash were undertaken by a U.S. special envoy, Cyrus R. Vance, and by the United Nations and NATO. After negotiating with Greek and Turkish leaders, Vance proposed a formula to solve the dispute, according to which both Greece and Turkey would remove from Cyprus those troops not authorized by the 1960 Treaty of Alliance and reaffirm their previous pledges to respect the independence and territorial integrity of Cyprus. In addition, Turkey would demobilize the troops it had massed at the start of the crisis, and the Cypriot police force would be reorganized by or placed under the supervision of a U.N. force of 4,500 stationed in Cyprus.⁹¹ On December 3, 1967, Greece and Turkey signed an internationally mediated agreement that resolved the immediate issues that had threatened to take them to war. The Greek-Turkish Pact called for: 1) the removal from Cyprus within 45 days of all Greek and Turkish troops not authorized under the 1960 Treaty of Alliance; 2) the dismantling within 45 days of all Greek and Turkish war preparations that had precipitated the crisis; 3) the disarming of all local military forces on Cyprus, particularly the Greek Cypriot National guard; and 4) the expansion of the UN force to prevent further communal clashes between Greek and Turkish Cypriots.⁹²

On December 28, 1967, Turkish Cypriot leaders formed a transitional administration that was to have jurisdiction over all Turks living in Turkish zones on Cyprus. This represented an attempt to construct a new Turkish Cypriot hegemonic project. The Turkish Cypriots believed that this act, protested by both

⁹⁰ See, Cihat Göktepe, "The Cyprus Crisis of 1967 and its Effects on Turkey's Foreign Relations", *Middle Eastern Studies*, 2005, Vol. 41, No. 3, pp. 431-444. Also see, Ercüment Yavuzalp, *Kıbrıs Yangınında Büyükelçilik 1967-1970*, (Ankara: Bilgi Yayınevi, 1993).

⁹¹ Hosut, *op cit.*, 178.

⁹² *Ibid*, p. 180.

the Cypriot and Greek governments, would create the political leverage they needed to protect their rights. Meanwhile, as the Turkish Cypriots went about establishing their autonomy in Cyprus, relations between Makarios and the Greek government under the military regime weakened.⁹³

The period from 1968 onwards was dominated by local talks between the Greek Cypriot and Turkish Cypriot leaders, but a solution was not to be found. The major disagreement centered on the concept of partnership, which Turkish Cypriot community leader Rauf Denктаş⁹⁴ defined as follows:

The Greeks in Cyprus should not have a Greek government in the island in which the Turkish Community would be reduced to a minority. There should be a Cypriot Government in which Greeks and Turks will have their share of administrations, in all aspects, cooperation and so on...and their share of benefits as well. When we talk about partnership what we really imply and insist on is that there is not going to be a Greek Cypriot Government dominating all aspects of administrative, political and social life, and merely treating the Turks as a minority.⁹⁵

In contrast, Greek Communal Chamber President Glafkos Clerides⁹⁶ defined partnership as follows:

We recognize that there are in Cyprus about 80,000-100,000 Turks who constitute a community. We recognize that as a community they should have certain autonomous rights in matters of education, culture, religion and personal status. When it comes, however, to the creation of a state, our view is that you cannot have a partnership agreement based on the 18 percent with equal rights with that of the 80 percent. In every partnership agreement the rights are based on the principle of the shares you have in that agreement. You are not surely suggesting that the Turks should have equal rights with Greeks who constitute 80 percent. Certain rights as a community, they must have and nobody refuses that. But you can not tell me that 18 percent

⁹³ Phillippos K. Savvides, *Cyprus: The Dynamics of Partition*, Kokkalis Graduate Student Workshop, 2000, p. 28.

⁹⁴ For Denктаş's memories, see, Rauf Denктаş, *Rauf Denктаş'ın Hatıraları, 1960-1974*, 10 volumes, (İstanbul: Boğaziçi Yayınları, 1999, and Rauf. R. Denктаş, *Karkot Deresi*, (İstanbul: Remzi Kitabevi, 2005).

⁹⁵ *Special News Bulletin*, "What is Partnership: In Theory and in Practice," 12 February 1970, No: 1784.

⁹⁶ For the memories of Clerides, see, Glafkos Clerides, *Cyprus: My Deposition*, (Cyprus: Alithia Publishing, 1989).

should have the same rights as the 80 percent. This can not be supported logically, ethically or practically.⁹⁷

Clearly, the two communities on the island had completely different concepts of partnership. Such differences over fundamental concepts were the source of major friction between the two communities and the main reason for the failure of negotiations.

On July 15 1974, in cooperation with Greek military officers stationed on Cyprus and Greek Cypriot right-wing extremists, the Greek junta organized and executed a coup d'état to overthrow President Makarios and his government in order to unite Cyprus with Greece. This event led directly to the Turkish military intervention of July 20, 1974.

During this period, the hegemonic discourses of the Greek and Turkish Cypriots explained in the previous chapter developed into hegemonic projects. The Greek Cypriot hegemonic project was to create a unitary state under Greek Cypriot rule and change the constitutional order to give minority status to the Turkish Cypriots and achieve enosis with Greece. The Turkish Cypriot hegemonic project was to protect the basic rights they were granted by the 1960 agreements. The Turkish Cypriots favored power-sharing and equal representation in a federal state. The concept of power-sharing took on importance in this period; however, whereas the Turkish Cypriots considered division of the island to be a solution for ethnic co-existence, the Greek Cypriots looked at it as a problem. For the Turkish Cypriots, power-sharing was a tool to ensure protection of their rights and equal representation; for the Greek Cypriots, power-sharing meant giving minority status to the Turkish Cypriots. Whereas the Greek Cypriots identified enosis as its policy and used all opportunities that presented themselves to achieve this goal, the Turkish Cypriots did not themselves proffer any proposals for a political solution. In general, the Turkish Cypriots received support from Turkey, and consented to proposals made by Turkey for a political solution. Similarly, the Greek Cypriots consented to proposals coming from Greece.

⁹⁷ *Ibid.*

Both the U.K. and U.S. administrations acted according to their own interests, primary of which was the prevention of instability in the region and within NATO. In this respect, a divided Cyprus would appear to better serve British and American interests. The U.K. and U.S. archives contain numerous reports in which the Greek Cypriots were accused of acting against the constitution and striving for enosis. In spite of this, neither London nor Washington ever openly condemned the Greek Cypriot government; rather, throughout the negotiation efforts, the U.K. and U.S. governments worked to satisfy the wishes of the Greek Cypriots, whose actions were viewed as potentially more destructive than those of the Turkish Cypriots because of the possibility of a communist state being created on Cyprus as a result of the close relations between the Greek Cypriots and the Soviet Union. In other words, both Great Britain and the United States designed their policies according to Cold War realities, which included maintaining the balance of power between NATO-members Greece and Turkey.

CHAPTER 4

CRISES AND REDEFINITIONS OF THE HEGEMONIC PROJECTS: 1974-1983

Although the Turkish and Greek Cypriots agreed to meet to find a solution to the Cyprus problem, the *de facto* division of the island continued. From 1968 on, negotiations were conducted mainly between the Turkish and Greek Cypriot leadership, and these inter-communal talks continued until July 15, 1974. The major objective of these talks was to solve the constitutional problem on the basis of an independent and integral republic. Ultimately, a lack of willingness and trust between the two communities led to the failure of inter-communal talks. The Turkish Cypriots wished to maintain regional autonomy in their enclaves, whereas the Greek Cypriots wished to total control of the government and create a unitary state. The two communities took different approaches to the negotiations, which also contributed to their breakdown. The Turkish side favored a “total package” approach, preferring to reach an agreement on all outstanding issues before signing anything, whereas the Greek Cypriot side was in favor of a “piecemeal” approach, expecting to take up and agree on each issue individually, unconnected to any other issue.¹ In addition to inter-communal negotiations, the period was marked by the emergence of a new internal opposition against Makarios in the form of Grivas and enosis supporters, as well as a deterioration in the relations between Makarios and the Junta in Greece.

¹ Ahmet Sözen, “The Cyprus Negotiations: From the 1963 Inter-Communal Negotiations to the Annan Plan,” Paper prepared for presentation at the Sixth Global Leadership Forum, Istanbul, June, 24-27, 2004, p. 1.

The crisis in Cyprus resulted not only in the redefinition of the hegemonic discourses of the Turkish and Greek Cypriots and the Greeks and Turks, but the British, American and Soviet hegemonic discourses as well. This chapter analyzes the transformations and redefinitions of these hegemonic discourses, assuming that the Greek Cypriot hegemonic discourse explained in the previous chapter – attainment of a unitary state – continued with some setbacks, while that of the Turkish Cypriots was changed and upgraded. The hegemonic discourses of Greece and Turkey were also redefined, accordingly. As a result, the historic bloc of 1960 would go into crisis.

4.1 Inter-communal Clash, Intervention and *de facto* Bi-zonal Federation: 1974-1977

The position of the Greek Cypriot leadership had fluctuated since negotiations first began in 1964. Initially, President Makarios had hardened his position – 13 amendments were no longer sufficient; rather, he sought to establish a republic on a unitary basis – and unilaterally revoked the Treaties of Guarantee and Alliance. In their attempts to achieve a unitary state, the Greek Cypriots had adopted a concept of power-sharing detrimental to the Turkish Cypriots, who would be given “minority rights” in matters of culture, education, religion and personal status. During the 1968-1974 inter-communal talks², the Greek Cypriot position softened: Makarios agreed to a limited form of local government based on administrative and economic criteria, although he remained firmly committed to the idea of a unitary state. First, he accepted an ethnic basis for sub-division of districts, and by 1973, he had agreed to separate Greek Cypriot and Turkish Cypriot local administrations;³ however, he continued to reject a bi-communal state or any form of federal state, which was what the Turkish Cypriots were requesting. In short, as 1974 approached, the Greek hegemonic discourse remained the unitary state, but with a softer tone.

² For the British archival files on intercommunal talks, see, FCO 51/353, and also see Annual Reviews of Cyprus, FCO 9/ 1358, FCO 9/1667, FCO 9/1883, FCO 9/2149, FCO 9/2377, FCO 9/1885, FCO 9/ 1492 and FCO 9/1493.

³ Nathalie Tocci, *EU Accession Dynamics and Conflict Resolution: Catalyzing Peace or Consolidating Partition in Cyprus*, (Hampshire: Ashgate, 2004), p. 52.

The Turkish Cypriot hegemonic discourse promoted during the 1964-1968 negotiations – the prevention of the unitary state and assurance of survival, equality and protection – was transformed and upgraded over time. From 1968 onwards, the Turkish Cypriot leadership believed that nothing short of territorial separation could guarantee Turkish Cypriot security in the face of the persisting Greek Cypriot aim of enosis and a unitary state. As a result, the Turkish Cypriot leadership had proposed federation based on territorial separation, with the creation of two cantons and an exchange of populations. This demand for greater political autonomy and security was seen by the Turkish Cypriot leadership as a guarantee of survival,⁴ and it was ready to make certain concessions on constitutional issues in order to achieve local autonomy. Already, in 1967, a provisional Turkish Cypriot administration had been set up to govern the Turkish enclaves, which had established *de facto* ethnic-based local governments. According to Rauf Denktaş, Clerides was initially willing to accept a solution based on local autonomy in the Turkish administrated areas, but he backed away from agreeing because of the threats posed by the EOKA-B terrorist organization, which considered local autonomy synonymous with separation.⁵

Along with deteriorating relations between Makarios and Athens, events on Cyprus were being shaped by the development of a terrorist opposition to Makarios. Established by Colonel Grivas, EOKA-B was a more militant reproduction of EOKA that rejected Makarios's strategy of gradual constitutional change in favor of one of violence to achieve enosis.⁶ The prime ingredients of this pro-junta, right-wing Greek Cypriot opposition consisted of violent anti-communism, realization of enosis, and elimination of Makarios.⁷ Their first major action came on March 8, 1970, when they attempted to shoot down Makarios's helicopter in a failed assassination code-named "Operation Hermes".⁸ Plans for

⁴ *Ibid*, p. 53.

⁵ Rauf Denktas, interview with the author, April 24, 2007.

⁶ See, Makarios Druşotis, *Kıbrıs 1970-1974: EOKA B, Yunan Darbesi ve Türk İstilas*, (Lefkoşa: Galeri Kültür Yayınları, 2006).

⁷ Tocci, *op cit.*, p. 38.

⁸ Laurence Stern, "Bitter Lessons: How we failed in Cyprus", *Foreign Policy*, No. 19, 1975, p. 43.

two more coups by EOKA-B, one in February and one in July 1972, were also uncovered and prevented by the police.

Greece's role during this period was significant, although economic problems and its dependence on the United States had forced the Greek leadership to keep a relatively low-profile on Cyprus. Although they supported Makarios's 13 amendments, they favored negotiating to reach agreement on them. Following the 1967 military coup in Greece, relations between Makarios and the Junta worsened, primarily due to disagreements over enosis. Whereas the Junta continued to favor enosis, Makarios had realized that the international conjecture precluded any such possibility and had, accordingly, transformed his policy from enosis to that of independence and a unitary state. Another important source of friction between Makarios and the Junta was the question of distribution of arms imported from Czechoslovakia for EOKA in 1972. Not only was the junta against the distribution of these arms among Makarios supporters, it also objected to their surrender to UN peacekeeping forces, which is what Makarios ultimately agreed to. As Nathalie Tocci has argued, the Junta was adamant about averting military confrontation and was willing to resolve the question bilaterally within the NATO framework. This required curbing Makarios's power in order to ensure Greek Cypriot compliance.⁹

Two important developments in Cyprus changed the direction of events. The first was General Papadopoulos's replacement as head of the Junta by Brigadier Ioannides, the chief of the Military Police, who was known to be an extremist. As a result, the Junta became more open in seeking enosis and actively supporting EOKA-B, which had a negative impact on the inter-communal talks being conducted between the Turkish and Greek Cypriot leadership. The second development was the death of Grivas in January 1974, which left EOKA-B under the complete control of the Junta, which selected the organization's new leader.¹⁰

The final confrontation between Makarios and the Junta came in July 1974 over the recruitment of Greek Cypriots for the National Guard officer corps. In the beginning of 1974, Makarios had decided to make an issue of the fact that the

⁹ *Ibid*, p. 52.

¹⁰ Marios L. Evriviades, "The Problem of Cyprus", *Current History*, Vol. 70, No. 412, January 1976, p. 21.

mainland Greek commanders of the National Guard had regularly chosen anti-Makarios, pro-junta candidates for officer training. He urged the Greek commanders to submit a list of candidates to the Cypriot Interior Ministry for approval, and when they refused,¹¹ he decided to make public his ongoing friction with the Junta. On July 2, 1974, Makarios wrote a letter to Greek President Gizikis in which he bluntly complained that Greek military cadres were not only supporting, but directing the activities of the EOKA-B terrorists. Makarios passed the letter on to the Greek Cypriot press, which published it on July 6, 1974.¹² Although he was aware that his letter would further antagonize the Junta, Makarios needed to do something, as he suspected that the Junta was planning to overthrow him. More than once, Makarios said, he had felt, and in some cases almost touched, an invisible hand extending from Athens that was looking to liquidate him.¹³ It is possible that Makarios thought that he could force the Junta to abandon its plans by making the confrontation public. He had also counted on the U.S. leadership, with whom he had had a quiet understanding since the mid-1960s.¹⁴ In 1970, Makarios had allowed the United States to base U-2 reconnaissance planes at the Akrotiri base, which was under British sovereignty, and he also permitted the CIA's Foreign Broadcast Information Service to eavesdrop on the Middle East and the Soviet Union.¹⁵ Although the United States had warned Makarios about the 1970 assassination attempt, Washington was unable to prevent the upcoming coup.

Makarios's well-grounded fear of a coup had serious repercussions on the intra-communal negotiations. In a 1974 interview with Stanley Karnow, Makarios conceded that it may have been a mistake not to have worked more effectively for an agreement between the Greek and Turkish Cypriots, but he argued that had he

¹¹ Bölükbaşıoğlu, *op cit.*, p. 251.

¹² For the Full text of the letter, see Annex 10.

¹³ Nancy Crawshaw, *The Cyprus Revolt: An Account of the Struggle for Union with Greece*, (London: George Allen & Unwin, 1978), p. 384.

¹⁴ Bölükbaşıoğlu, *op cit.*, p. 252.

¹⁵ Stern, *op. cit.*, p. 47.

done so, the Junta in Athens would have moved against him sooner than it did.¹⁶ Later, the Greek Cypriot leader would state that he could have prevented Turkey's military intervention had he been more accommodating towards the Turkish Cypriots.¹⁷

The intra- and inter-state conflict culminated on July 15, 1974¹⁸, with the Greek Junta extending its dictatorship to Cyprus through a coup executed by the Greek National Guard under the leadership of Brigadier Ioannides and former EOKA fighter Nicos Sampson. In four days, over 2,000 Makarios supporters were killed,¹⁹ the Presidential Palace was destroyed, and Makarios himself was forced to flee the island in a British military aircraft. The coup would precipitate further changes in Greece's hegemonic discourse with regard to Cyprus.

In the 1970s, Turkey's hegemonic discourse with regard to Cyprus had changed from the protection of the status quo advocated in the 1960s to support for the concept of federation. Since the collapse of the 1960 constitutional order and the outbreak of inter-communal clashes in Cyprus in 1963, Turkey had offered to support the Turkish Cypriots, twice planning military interventions, both of which were deterred by American and British diplomacy. Turkey first attempted to intervene in 1964 at the onset of the clashes, but an immediate appeal by Britain to the United Nations led to the passage of Security Council Resolution 186 and the deployment of UN peacekeeping forces on Cyprus. The second attempt, which occurred following the coup in Greece and a renewed round of Greek Cypriot attacks on Turkish Cypriot enclaves in November 1967, was prevented by U.S. diplomacy intent on avoiding an all-out war between its NATO allies.²⁰

¹⁶ Stanley Karnow, "The Indispensable Man: An Interview with Makarios," *The New Republic*, 14 September 1974.

¹⁷ Süha Bölükbaşıoğlu, *The United States-Turkey Influence Relationship during the Cyprus Crises*, (Ann Arbor: UMI, 1987), p. 248.

¹⁸ For the British archival files on military coup against Makarios, see, FCO 9/1980, FCO 9/1981 and FCO 9/1892.

¹⁹ Nancy Crawshaw, *The Cyprus Revolt: An Account of the Struggle for Union with Greece*, (London: George Allen & Unwin, 1978), p. 389.

²⁰ Tocci, op cit., p. 54.

Once Makarios lifted the blockades that had surrounded the Turkish enclaves, Cyprus became a secondary issue in Turkish politics. In 1968, with the withdrawal of Greek troops from the island, the Turkish government announced a return to normalcy in Cyprus, clearly indicating that Prime Minister Süleyman Demirel did not wish to intensify the Greek-Turkish crisis,²¹ but intended to focus on domestic issues such as the severe economic problems Turkey was facing at the time. On March 12, 1971, Demirel was forced to resign as a result of pressure from the Turkish military, and a technocrat government was established under the leadership of Naim Talu, Nihat Erim²² and Ferit Melen, who were under the influence of the Turkish Armed Forces. This interim period (1971-1973) was characterized mainly by a lack of initiatives in Turkish foreign policy.²³ It was during this time, however, that the Turkish government redefined its hegemonic discourse on Cyprus, adopting a concept of federation based on territorial separation and local autonomy.²⁴ Since the establishment of the Republic of Cyprus, Turkey had always aimed at maintaining the status quo. Now, for the first time, a Cyprus solution based on federation, i.e., bi-communal power-sharing, entered into the government program.²⁵ The Cyprus problem was redefined as a sub-problem under the problem of Turkish-Greek relations, and in the eyes of the Turkish leadership in Ankara, Makarios's status was lowered from president of the Republic of Cyprus to nothing more than the leader of the Greek Cypriot community.²⁶

Turkey had a number of reasons for favoring a solution through negotiation. During the Demirel period, the Turkish government had not wanted to

²¹ For details of the Demirel's Foreign Policy, see, Tanju Cılızoğlu, *Kader Bizi Una Değil, Üne İtti: Çağlayangil'in Anıları*, (Ankara: Bilgi Yayınevi, 2007).

²² See, Nihat Erim, *Günlükler 1925-1979*, (İstanbul: Yapı Kredi Yayınları, 2005).

²³ Bölükbaşıoğlu, op cit., p. 255.

²⁴ Faruk Sönmezoğlu, *Tarafların Tutum ve Tezleri Açısından Kıbrıs Sorunu (1945-1986)*, (İstanbul: İstanbul Üniversitesi Yayınları, 1991), p. 61.

²⁵ Ahmet Aydoğdu, *Kıbrıs Sorunu Çözüm Arayışları: Annan Planı ve Referandum Süreci*, (Ankara: Asil Yayınları, 2005), p. 119.

²⁶ *Ibid*, p. 61.

take any radical decisions because it was preoccupied with economic problems and domestic terrorism. From 1971 onwards, although federation had been adopted as a basic policy, the Turkish government lacked the authority needed to take any courageous steps in foreign policy, especially in terms of the Cyprus problem.

Turkey's foreign policy orientation changed in 1974 under its new prime minister, Bülent Ecevit. Ecevit adopted an assertive foreign policy based on the argument that greater equality should exist in U.S.-Turkish relations,²⁷ and his Republican People's Party (RPP)²⁸ insisted that Turkey adopt its own national defense strategy and not rely solely on the security provided by NATO.²⁹ The RPP's demand for equality and freedom of action was a natural extension of İsmet İnönü's "multi-faceted" foreign policy of 1964. Ecevit's new strategy was evident with regard to both the Aegean dispute and Cyprus, where, as the new government program asserted, only a federal solution was considered acceptable to Turkey. As put forth by Foreign Minister Turan Güneş:

the Cyprus talks will be conducted on the basis that two communities exist on Cyprus, that both communities have rights over Cyprus, that they would be subject to different legislation in the fields where they differed from each other, and that there would be no unilateral amendment of legislation. This means that our government will not accept the idea of a unitary state, that is to say, changing the status of the Turkish Cypriot community into a minority...a federal form of government in Cyprus would not only be useful to the Turkish community but it would also secure a close cooperation between the two communities...federation is the realistic course provided that both communities are free from emotionalism and ulterior motives.³⁰

Ecevit's foreign policy advisor, Haluk Ulman, later defined federalism as meaning a functional federation that would provide the Turkish Cypriots with a fair share in the administration of the state.³¹ As Süha Bölükbaşıoğlu has stated,

²⁷ Bölükbaşıoğlu, *op. cit.* P. 260.

²⁸ See, Nihat Erim, Nüvit Yetkin and et all, *Kıbrıs Konusunda CHP'nin Görüşleri*, (Ankara: CHP Yayınları, 1966).

²⁹ *Ibid*, p. 260.

³⁰ *Special News Bulletin*, 4 January 1974.

³¹ Bölükbaşıoğlu, *op. cit.* P. 264.

Ecevit was ready to scale down this “fair share” to 20 percent, as opposed to the 30 percent provided for in the 1960 constitution, if an enduring solution could be found.³²

Ecevit’s response to the 1974 crisis was shaped not only by Turkey’s assertive foreign policy, but also by his perception of the U.S. Cyprus policy, which he described in an article as comprised of the following: a) Cyprus should not remain independent. If it remained independent, it could become a communist base in the Mediterranean; b) Cyprus should not be divided, because partition would only worsen the crisis; c) Even if its interests required Turkey to intervene, Turkey should refrain from doing so because this would lead to a Greek-Turkish war and to the dismemberment of NATO; and d) Cyprus should be united with Greece. This option would eliminate all the above-mentioned problems and Cyprus would come under NATO’s influence.³³ In line with these perceptions, Ecevit considered the U.S. position in 1974 to be detrimental to his own Cyprus policy, and he believed that any delay in acting in Cyprus would lead the United States to welcome enosis.³⁴

The literature contains two views regarding U.S. policy towards Cyprus³⁵. The first argues that Washington followed a wait-and-see policy because it supported Turkish military intervention.³⁶ For instance, in the view of former Ambassador Melih Esenbel, Turkey was spurred toward intervention in Cyprus by the United States.³⁷ The second view argues that the United States³⁸ did not pay

³² *Ibid*, p. 264.

³³ *Ibid*, p. 265.

³⁴ In interviews with the author on April 24, 2007, former TRNC Presidents Rauf Denktaş and Kenan Atakol concurred with Ecevit’s opinion that the primary U.S. aim had been the creation of a unitary Greek state in Cyprus. Also see, Fiona B. Adamson, “Democratization and the Domestic Sources of Foreign Policy: Turkey in the 1974 Cyprus Crisis”, *Political Science Quarterly*, 2001, Vol. 116, No. 2, pp. 277-303.

³⁵ For the US Turkey Policy in general, see, Faruk Sönmezoğlu, *ABD’nin Türkiye Politikası: 1964-1980*, (İstanbul: Der Yayınevi, 1995)

³⁶ See, Brendan O’Malley and Ian Craig, *The Cyprus Conspiracy: America, Espionage and the Turkish Invasion*, (New York: I.B. Tauris, 1999).

³⁷ Cited from Mehmet Ali Birand, *Cyprus Documentary*.

enough attention to the Cyprus problem because it was focused on internal crises such as the Watergate scandal. Both views contain a certain degree of truth.

Nathalie Tocci has argued that the United States had mixed feelings about Cypriot independence, and that the Americans were deeply concerned about Archbishop Makarios's flirtations with the Soviet Union, as well as the relative strength of the Greek Cypriot communist party, AKEL.³⁹ According to Tocci, there is evidence to suggest that Washington, preoccupied with Watergate internally and China and Vietnam externally, not only accepted the July 1974 coup, it tolerated the ensuing Turkish military intervention. Relations between the United States and Greece's right-wing military establishment were warming with the home-porting of the U.S. Sixth Fleet in Greece. At the same time, the absence of negative signals from Washington regarding Turkey's planned attack may have been read in Ankara as a tacit green light for intervention. According to Laurence Stern, Secretary of State Henry Kissinger had described Makarios as "the Castro of the Mediterranean" –unreliable, demagogic, anti-Western and obstructive to any final settlement.⁴⁰ Stern has also argued that the United States supported a military coup in Cyprus, and he provides some evidence to back that assertion. For instance, the U.S. administration did not denounce the Greek military coup when it occurred; rather, on the day of the coup, State Department Press Spokesman Robert Andersson simply stated that U.S. policy remained that of supporting the independence and territorial integrity of Cyprus and its constitutional arrangements. There was no criticism of the violent act of intervention by Greece, and nothing said of the Makarios situation. By contrast, the British, Russians, and NATO representatives in Brussels quickly converged on a common position, denouncing the coup and declaring that Makarios remained the president of the Republic of Cyprus. The Russians saw in Makarios's professionally nonaligned position and the survival of an independent state under his leadership a guarantee

³⁸ For the British archival files on the US policy on Cyprus, see, FCO 9/677; and for the US Reaction to the Cyprus crisis, see, FCO 9/1947 and FCO 9/1948.

³⁹ Tocci, *op cit.*, p. 54.

⁴⁰ Stern, *op cit.*, p. 58.

that Cyprus would not be transformed into a major NATO bastion.⁴¹ On July 16, U.S. Ambassador to the UN John Scali told the Security Council:

...We continue to support the independence and territorial integrity of Cyprus and its existing constitutional arrangements. We urge all other states to support a similar policy. We wish to urge in particular that all interested parties exercise the utmost restraint and statesmanship and avoid actions which might further worsen the situation.⁴²

Still there were no denunciation of the coup, and nothing said about Makarios. This silence was noted in the U.S. Senate Judiciary Committee's official publication, as follows:

In the first stages of the Cyprus crisis there was virtual silence at the highest levels of our government over developments on the island. Apart from rather routine statements at the United Nations, and some occasional comment by sources or spokesmen in the Department of State, American officials said very little about Cyprus.⁴³

On July 19, Ambassador Scali issued another statement at the Security Council:

...The U.S. does not consider enosis, or union between Greece and Cyprus, as an acceptable solution of the Cyprus Problem... Solutions can only be accomplished through discussions among the parties who are themselves directly involved. These discussions are already underway. Intensive consultations have been taking place in London between the British and Turkish governments and a representative of my government. Under these circumstances, the U.S. considers it to be a serious error to rush to judgment on an issue of this gravity.⁴⁴

All these statements show that the United States had no intention of protecting Makarios, whom it considered to be untrustworthy and difficult to deal

⁴¹ Ibid, p. 60.

⁴² *American Foreign Relations 1974 A Documentary Record*, ed. By Richard Stebbins and Elaine P. Adam, (New York: New York University Press, 1977), p. 251-252.

⁴³ *Crisis on Cyprus: 1975 One Year After the Invasion*, A Staff Report Prepared for the use of the Subcommittee to Investigate Problems Connected with Refugees and Escapes, 20 July 1975, p. 36.

⁴⁴ *American Foreign Relations 1974 A Documentary Record*, ed. By Richard Stebbins and Elaine P. Adam, (New York: New York University Press, 1977), p. 253-254.

with, and the military coup proved to be a convenient opportunity for Washington to get rid of him.⁴⁵

Another explanation for the silence coming from Washington can be found in the relationship between Ankara and Athens. According to Stern, Kissinger had made a cold-blooded strategic decision that Turkey was more important to U.S. national security interests and to the NATO community than the new and unpredictable Greek government and its volatile electorate.⁴⁶ Turkey's strategic importance forced the United States to take a more pro-Turkish stance during that period. One American diplomat summed up the calculus of U.S. interest at the time as follows: "Let's say that Greece is Denmark and Turkey is Germany. We may be fonder of the Danes, but we need the Germans more."⁴⁷

Süha Bölükbaşıoğlu has listed several other factors of varying significance. According to Bölükbaşıoğlu, the U.S. failed to pay attention to its Cyprus Desk officer because of a recent administrative shift that had transferred the policy desks of Greece, Turkey and Cyprus to the Office of Near East Affairs to the Office of European Affairs, which lacked experience in dealing with the Cyprus problem. In addition, U.S. Ambassador to Greece Henry Tasca failed to warn Brigadier Ioannides that Washington disapproved of his plan. Both these failures were minor ones that could not radically affect U.S. Cyprus policy.

Another interesting and more significant point is that U.S. Secretary of State Kissinger was negligent in dealing with reports of the prospective coup. In early June 1974, Senator William Fulbright, then chairman of the Senate Foreign Relations Committee, visited Kissinger and told him that he had received information that Ioannides was preparing for a coup in Cyprus. Kissinger rejected Fulbright's suggestion that he should avert the coup by arguing that the United

⁴⁵ See, Christopher Hitchens, *Hostage to History: Cyprus From the Ottomans to Kissinger*, (New York: Verso, 1998); Ivar Andre Slengsol, "A Bad Show? The United States and 1974 Cyprus Crises", *Mediterranean Quarterly*, 2000, Vol. 11, No 2; and Ömür Yılmaz and Deborah J. Gerner, "US and British Mediation Efforts during the 1974 Crisis over Cyprus", Paper prepared for presentation at the *Annual meeting of ISA*, March, 2002.

⁴⁶ Stern, *op cit.*, p. 74.

⁴⁷ *Ibid*, p. 75.

States should not interfere in Greece's internal affairs.⁴⁸ More interestingly, twice, on July 3 and July 14, 1974, the CIA reported that Ioannides had abandoned the idea of a coup, and on July 15, the day of the coup itself, Ioannides informed Greek naval and air force commanders that he had received assurances from the Americans that Turkey would not intervene in Cyprus.⁴⁹

If the above is true, it would appear that the Americans consciously mislead Ioannides, using him to eliminate Makarios. Although this would be very difficult to prove, when former Ambassador Esenbel's suggestions regarding U.S. encouragement for the Turkish intervention and other developments are taken into consideration, it may be concluded that Washington had a two-sided policy towards Cyprus, defined within the following basic parameters: on one side, eliminate the untrustworthy Makarios, and on the other side, permit Turkey to intervene and divide Cyprus, which suited U.S. interests.

The principal exponent of the "American conspiracy theory", Van Coufidikes, has argued that Washington's real concern was Makarios's relations with AKEL and Moscow.⁵⁰ According to Coufidikes, U.S. policy from the Acheson-Ball Plan of 1964 to Kissinger's tilt toward Ankara in 1974 was consistent, premeditated, pro-Turkish and responsive to the concept of partition, even though it did not actually press for partition in the short- or mid-term.

As far as the Soviet Union⁵¹ is concerned, it criticized the military coup because it did not want to see the NATO-ization of Cyprus; however, rather than denounce Turkey for its subsequent military intervention, Moscow kept a low profile because it believed that the Greek Junta was under U.S. control and that the Turkish intervention in Cyprus would help bring about the downfall of the U.S.-

⁴⁸ Bölükbaşıoğlu *op cit.*, p. 271-272.

⁴⁹ *Ibid*, p. 275.

⁵⁰ Glen D. Camp, "Greek-Turkish Conflict over Cyprus", *Political Science Quarterly*, Vol. 95, No. 1, 1980, p. 53

⁵¹ For the Soviet Union Policy, see, Duygu B. Sezer, "Peaceful Coexistence: Turkey and the Near East in Soviet Foreign Policy", *Annals of the American Academy of Political Science*, 1985, Vol. 481, pp.117-126

backed regime.⁵² Any attempt to restore the 1960 constitutional order was thus in the Soviet interest, which is why it did not threaten Turkey as it had in 1964. The Soviet goal⁵³ was for Cyprus to remain non-aligned, or, if possible, pro-Soviet.⁵⁴

On the day of the coup against Makarios, Turkey's National Security Council held an emergency session, during which it was suggested that military intervention in Cyprus had become inevitable. Turkey felt that the 1960 Constitutional order had been compromised and feared that it could lose its stake in Cyprus. The Council discussed several strategies for intervention and ultimately adopted a plan that required a two-stage landing and invasion. The military commanders assured the government that a landing force would be ready by July 20, 1974.

Although it had adopted a plan for intervention, Turkey initially, had no concrete plan for any subsequent settlement. Just three days before the intervention, Ecevit had publicly stated that Turkey did not recognize Nicos Sampson's dismissal of Makarios and that he considered the NATO Council's call for the reestablishment of the Makarios-led government to be a very positive development.⁵⁵ However, after the intervention on July 20, Ecevit changed his position and began calling for new settlements in Cyprus.

The Turkish Cypriots⁵⁶ viewed the Turkish intervention as a legitimate response by Turkey, which, under the provisions of the Treaty of Guarantee, had sent troops to Cyprus in response to the coup in order to prevent the island's union with Greece and to establish peace and put a stop to the bloodshed so that the

⁵² For details, see, Halil İbrahim Salih, *Cyprus: The Impact of Diverse Nationalism on a State*, (Alabama: Alabama University Press, 1978).

⁵³ For the British archival files on Soviet Union Cyprus policy, see, FCO 9/71, FCO 9/1945, FCO 9/1946, and FCO 9/ 1366.

⁵⁴ Liberis Liveriou, *The Implications of the United States Foreign Policy Towards the Cyprus Problem (1959-1974)*, unpublished Master's Thesis, Naval Postgraduate Collage, Monterrey California, 1999, p. 75.

⁵⁵ Bölükbaşıoğlu, *op cit.*, p. 283.

⁵⁶ For the British archival files on the relations of Turkey and Turkish Cypriots, see, FCO 9/1679 and FCO 9/1949.

Turkish Cypriot community, and hence the Greek Cypriot community,⁵⁷ could regain their rights. The Greek Cypriots view of Turkey's actions was completely different. According to the Greek Cypriots, Turkey had actualized a long-held desire to invade and occupy the northern one-third of Cyprus in order to provide the Turkish Cypriot community with a geographically secure territory, with the Greek coup merely providing a convenient pretext for this invasion. Since then, the Turkish and Greek Cypriots have been living in separate zones of north and south. Thus, the Turkish military intervention consolidated the process of division that had begun in 1963, and two zones, one Turkish and one Greek, emerged as a result.

Just four days before the military intervention, on July 16, 1974, Ecevit requested and the British government agreed to bilateral consultations to discuss the situation in Cyprus. Well aware that the British Government would not take part in any military action, Ecevit's aim was to demonstrate to international public opinion that Turkey has just cause for intervening militarily. Ecevit met with Prime Minister Harold Wilson and Foreign Minister James Callaghan in London on July 17, 1974.⁵⁸ As expected, Wilson and Callaghan rejected Ecevit's recommendation for joint military intervention, suggesting that peaceful alternatives had not yet been exhausted. During the meeting, Ecevit was informed that Kissinger was sending U.S. Undersecretary of State for Political Affairs Joseph Sisco to London; however, Ecevit rejected an offer for trilateral talks between the U.S., U.K. and Turkey because he did not want to provoke the Soviet Union by giving any indication that this was a NATO plan. Perhaps mentioning President Johnson's letter of 1964, Ecevit told Sisco that he would be able to cancel the intervention provided that: 1) Greece removed Sampson and the putschist Greek officers from Cyprus; 2) Turkey was allowed to maintain troops on Cyprus in numbers equal to those currently maintained by Greece; d) Turkish Cypriots were given control of a coastal region; and 4) negotiations to create a federal system of government start immediately between the two Cypriot

⁵⁷ There were many Greek Cypriots who opposed the coup. Many of them were killed during the coup by their own people.

⁵⁸ For the documents, see FCO 9/1892.

communities.⁵⁹ Sisco relayed Ecevit's proposal to the Greek leadership, which rejected them, arguing that the most it could do was to replace those Greek officers who had taken part in the coup. This offer was rejected by Turkey as insufficient.

The next day, Ecevit sent Athens an ultimatum calling for Sampson's resignation, the withdrawal of the Greek officers of the Cypriot National Guard and firm pledges of Cyprus's independence. This ultimatum was also rejected by the Greek government, thus justifying the initial Turkish military intervention of July 20, 1974 under the Treaty of Guarantee.⁶⁰ It should be stressed that world public opinion was initially sympathetic to the Turkish intervention. Since the Greek Junta had been clearly identified as behind Makarios's demise, Turkey's action was perceived as a legitimate attempt to prevent Greece's annexation of the island. Ecevit was determined to use the presence of Turkish troops on Cyprus as leverage in future negotiations. From this day forward, Turkey and the Turkish Cypriots would demand the maximum physical separation of the two communities. Thus, a functional federation had emerged as the main policy for both Turkey and the Turkish Cypriots. Shortly after the Turkish military intervention had been put into motion, Rauf Denktaş stated that "the major task is to see to it that foundations of the establishment, namely the bi-communal character of the Republic and our right, our inalienable rights to protect the independence and the sovereignty of Cyprus as co-partners of the Cyprus State are re-endorsed."⁶¹ On August 10, he reiterated that "after this bloodshed and quarrel between two communities, a geographical basis must be found to the government of Cyprus in the form of a federal system."⁶² Like Denktas, Ecevit also placed emphasis on bi-communal independence, stating, "Everyone concerned must realize that we want physical and actual guarantees, not paper guarantees, for the island's Turks."⁶³

⁵⁹ Mehmet Ali Birand, *30 Sıcak Gün*, (İstanbul: Milliyet Yayınları, 1984), p. 29.

⁶⁰ For the full text of the Treaty of Guarantee, see Annex 5.

⁶¹ Special News Bulletin, 20 July 1974, p. 2.

⁶² Special News Bulletin, 10 August 1974, p. 2.

⁶³ Special News Bulletin, 6 August 1974, p. 2.

Thus, both Denktaş and Ecevit began to place more and more emphasis on a federal solution based on territorial separation.

In the wake of the Turkish military intervention⁶⁴, there was no concrete statement denouncing the move on the part of the United States, whose primary aim at that point was to get a cease-fire and start negotiations between Turkey and Greece. The ceasefire was secured with UN Security Council Resolution 353 (see annex 11),⁶⁵ which was agreed upon by both Greece and Turkey and put into effect on July 22, 1974. The first U.S. statement issued following the intervention was devoid of any criticism of Turkey. Secretary of State Kissinger announced simply that “the basic American strategy was to prevent a Greek-Turkish war from erupting, to keep open the possibility of a settlement of the Cyprus issue along constitutional lines and to prevent a further internationalization of the conflict.”⁶⁶ At a news briefing on August 13, a State Department spokesman stated the U.S. position, as follows:

We recognize the position of the Turkish community on Cyprus requires considerable improvement and protection. We have supported a greater autonomy for them; the parties are negotiating on one or more Turkish autonomous areas. The avenues of diplomacy have not been exhausted. And therefore the U.S. would consider a resort to military action unjustified; we have made this clear to all parties.⁶⁷

The silence at the highest level of the American government was broken at an August 19 news conference in which Kissinger, on behalf of President Ford, delivered the following carefully balanced statement designed to satisfy both Turkey and Greece:

⁶⁴ For the detailed review of Turkish Military intervention, see, Erol Mütercimler, *Satılık Ada Kıbrıs: Kıbrıs Barış Harekatının Bilinmeyen Yönleri*, (İstanbul: Alfa Yayınları, 2007); and Yılmaz Polat, *Barış için Oradaydılar Parola: Kıbrıs, Türk ve Amerikan Gizli Belgelerinde 20 Temmuz 1974 ve Sonrası*, (Ankara: Ulus Dağı Yayınları, 2007).

⁶⁵ For the full text of Resolution 353 (1974) see Annex 11.

⁶⁶ *American Foreign Relations 1974 A Documentary Record*, ed. By Richard Stebbins and Elaine P. Adam, (New York: New York University Press, 1977), p. 260.

⁶⁷ *Crisis on Cyprus: 1974*, A Staff Report Prepared for the use of the Subcommittee to Investigate Problems Connected with Refugees and Escapes, 20 July 1975, p. 16.

President Ford has asked me to make the following statement on behalf of the United States: First, the U.S. shall insist on the strict maintenance of the cease-fire on Cyprus.

Second, the imperative and urgent need is to begin negotiations. Third, we will continue to support efforts to bring the parties to the negotiating table.

Fourth, the U.S. will play any role requested by the parties. We are also prepared to support the able efforts of the British Foreign Secretary James Callaghan in this regard.

Fifth, in these negotiations, we believe it will be necessary for Turkey, as stronger power on the ground, to display flexibility and a concern for Greek sensitivities, both in terms of territory and the size of military forces on the island. I have made this point directly this morning to the Prime Minister of Turkey. I have been assured that the Turkish government considers the demarcation line negotiable and that it will carry out the provisions of the Geneva agreement calling for phased reductions of troops on Cyprus.

Sixth, the U.S. greatly values the traditional friendship of Greece. It has the highest regard for Prime Minister Karamanlis and wishes every success to his democratic government. We will use our influence in any negotiation to take into full account Greek honor and national dignity. At the same time, we assume that all of our allies, including Greece, join in collective defense in their own interests. We are willing to strengthen these common alliance ties and to help the Greek Government in any way possible. We will not be persuaded by threat of withdrawal from the NATO alliance, or anti-American demonstrations, which in any event are totally unjustified by our record.⁶⁸

Peace talks opened on July 25 in Geneva⁶⁹. Turkey, Greece⁷⁰ and Britain were represented by their respective foreign ministers, Turan Güneş, George Mavros and James Callaghan. Greece's first priority at the conference was to stop Turkey's expansion on Cyprus. Turkey demanded a cantonal or a bi-regional solution in which approximately 34 percent of Cyprus would be under Turkish Cypriot control.⁷¹ The Greek Cypriots responded with proposals that conceded

⁶⁸ *Crisis on Cyprus: 1976 Crucial Year for Peace*, A Staff Report Prepared for the use of the Subcommittee to Investigate Problems Connected with Refugees and Escapes, 20 July 1975, p. 22.

⁶⁹ For the British archival files on Geneva Conferences, see, FCO 9/1917, FCO 9/1918 and FCO 9/1920.

⁷⁰ For the British archival files on relations between Greece and Cyprus, see, FCO 9/1369 and FCO 9/1950.

⁷¹ Evriviades, *op cit.*, p 40.

administrative autonomy, with a cantonal arrangement, but that excluded a geographical area or compulsory population exchange,⁷² whereas the Turkish Cypriots proposed a loose confederation.

Since the Turkish intervention, Denктаş had been arguing for independence as the best solution. In fact, the idea of an independent Turkish State in Cyprus is something Denктаş had entertained since at least 1968. A report dated May 2, 1968 prepared by Rıza Vuruşkan, the leader of the Turkish Resistance Organization, the TMT, stated that the Turkish Cypriot Community needed to be strengthened and made more productive and in order to achieve this, the Turkish Cypriots should declare their own independent state; the report was signed by Denктаş, with a note that he fully agreed with Vuruşkan.⁷³ Following the military intervention, Denктаş proposed to Ecevit that a Cyprus Turkish State be declared; however, Ecevit disagreed because of the possible reactions of the international community.⁷⁴ Overall, it is evident that the Turkish Cypriots had upgraded their hegemonic discourse from survival and equality to independence, or at least to a geographically divided federal government.

In Geneva, none of the sides were in any mood for compromise, and none was forthcoming. At the end of the conference on July 30, 1974, the Foreign Ministers of Turkey, Greece and Britain signed the Geneva Declaration,⁷⁵ the most important aspects of which included an agreement on a population exchange and the linkage of a Turkish withdrawal from Cyprus to the achievement of a just and lasting solution acceptable to all parties. The latter provision, in calling for “a just and lasting solution,” gave credence to Turkey’s argument that the 1960 constitution was no longer compatible with the peaceful coexistence of the two communities. Moreover, the declaration contained no references to the Cypriot state as such, only to the representatives of the Greek Cypriot and Turkish Cypriot

⁷² Polyvios G. Polyviou, “Cyprus: What is to be done?”, p. 584.

⁷³ Nur Batur, *Rauf Denктаş: Yeniden Yaşasaydım*, (Istanbul: Doğan Kitap, 2007), p. 394.

⁷⁴ Rauf Denктаş, personal interview, 24 April 2007.

⁷⁵ For the Full text of the Declaration see Annex 12.

communities, thus conferred legitimacy on the Turkish Cypriot Administration that had existed on the island since 1964.

Within a week following the Geneva Declaration, Prime Minister Ecevit began to officially express his wishes for a territorial federation in Cyprus. Aware of Ecevit's leanings, Clerides, in the final week before the second Geneva Conference, had expressed his doubts as to the feasibility of a federation based on geographically homogenous territories, insisting that it would imply the transfer of tens of thousands of people.⁷⁶ Instead, Clerides argued for the establishment of a unitary state that granted local autonomy to the Turkish Cypriots. The Turkish Cypriots did not welcome this proposal, which they viewed as placing them in the position of a minority. Turkey also insisted on the negotiation of a new Cyprus settlement, preferably for a bi-zonal federation, to which Greek Foreign Minister Mavros responded by declaring that no guarantor power had the right to impose a new constitution on Cyprus and that the only possible course of action was to make certain revisions to the 1960 document. Denktaş rejected this, saying: "For 11 years, the Greeks have tried to do all they could to destroy the 1960 constitution... we are invited to go back to the 1960 constitution. This is impossible, that constitution did not save the Turks, did not save Cyprus, and has given no protection."⁷⁷ In fact, the failure of the 1960 constitution is what prompted the Turkish proposal for a bi-zonal federal state with a large amount of autonomy granted to the Turkish Cypriots, but these conditions were immediately rejected by the Greeks. At this juncture, Kissinger telephoned Ecevit and suggested that the Greeks might agree to a cantonal settlement rather than a federal one. However, the cantonal solution was unpopular among both the Turks and the Turkish Cypriots.

Britain,⁷⁸ meanwhile, proposed the establishment of two autonomous administrations with clear boundaries united under a central government. This

⁷⁶ Süha Bölükbaşı, *Barişçı Çözumsuzlük*, (Ankara: İmge Yayınları 2001), p. 253.

⁷⁷ Bölükbaşıoğlu op cit., p. 308.

⁷⁸ For the British archival files on British policy towards Cyprus, see, FCO 9/ 1164, FCO 9/1165, FCO 9/1166, FCO 9/ 1371, FCO 9/1372, and FCO 9/1378. For the Strategic importance of Cyprus to the UK, see, FCO 46/1017; for the British objectives and interests in Cyprus, see, FCO 49/548; and UK policy towards Treaty of Guarantee and Treaty of Alliance, see, FCO 9/ 1953.

proposal was rejected by both the Turks and the Greeks – the Turks, because it fell short of their desired goal of federation, and the Greeks, because they had misgivings about its allusion to territorial division. Thus, rather than produce a solution, the Second Geneva Conference led both the Turkish and Greek Cypriots to further redefine their competing hegemonic discourses, which from that point forward became etched in stone.

Following the failure of the Geneva Conferences, the Greek side once more looked to internationalize the Cyprus problem and managed to secure an important victory in the UN General Assembly that contributed to the cumulative impact of the collective legitimization provided by the UN resolutions. On November 1, 1974, the General Assembly adopted Resolution 3212,⁷⁹ which called for the withdrawal of all foreign armed forces from the island and urged all states to respect the sovereignty, independence, territorial integrity and non-alignment of Cyprus. The vote was 117 in favor, none against, and no abstentions.⁸⁰ The resolution did not brand the Greek Cypriot administration as a “usurper” regime, as the Turkish Cypriots believed it to be, but it did call upon Secretary-General Kurt Waldheim to conduct negotiations on the basis of “equal footing” between the two communities.⁸¹ On December 13, 1974, the Security Council endorsed the decision of the General Assembly with its own resolution, Security Council Resolution 365,⁸² which assigned to the secretary-general a Mission of Good Office. Waldheim’s sponsorship of a series of talks with the parties eventually led to a summit in Vienna.

One of the main factors precipitating the emergence of Resolution 3212 was the failure of the Turkish Government to offer Greece any concessions that might have facilitated the renewal of Turkish-Greek dialogue. This failure was due to conflicts within the coalition government between Ecevit and Necmettin Erbakan that would end up leading to Ecevit’s resignation on September 18, 1974

⁷⁹ For the full text, see Annex 13.

⁸⁰ Süha Bölükbaşı, “The Cyprus Dispute and the United Nations: Peaceful Non-Settlement between 1954 and 1996, *International Journal of Middle East Studies*, Vol. 30, No. 3, 1998, p. 421.

⁸¹ *Ibid*, p. 421.

⁸² For the full text of Resolution 365 (1974) see Annex 14.

and the formation of a new government under the leadership of Sadi Irmak. Without a parliamentary majority, Irmak's government was unable to agree on tactical steps, such as offering territorial concessions to the Greek Cypriots. As a result, the U.S. Congress became convinced that Kissinger's easygoing approach towards Turkey had prompted Turkish "expansionism" and that it needed to wrest back control of U.S. policy from the State Department.⁸³ Thus, Ankara lost the sympathy of Washington, which began to take decisions against Turkey, which it now blamed for the invasion of Cyprus.

On February 14, 1975, the Turkish Cypriots declared a "Turkish Federated State of Cyprus (TFSC)."⁸⁴ Their justification for this move was rather peculiar: The Turkish Cypriots insisted that their action was aimed at persuading the Greek Cypriots to follow suit and thus enter into negotiations over a future federal system.⁸⁵ However, while the Turkish Cypriots were participating in protracted negotiations for a federal government, they were simultaneously creating all the institutions of an independent state – constitution, executive, legislature, central bank, courts, police and army.⁸⁶ Denktaş argued that a declaration of a federated state was not the same as a declaration of independence, and it should in no way affect or prejudice the independence of Cyprus or its non-aligned status.⁸⁷ He added that what the Turkish community did in terms of its own internal restructuring was its own business.⁸⁸ It should be noted that the TFSC declaration was made during the time of the politically weak Sadi Irmak government in Turkey and that the main supporter of this declaration was the Turkish Armed

⁸³ Bölükbaşıoğlu, *op cit* 1987, p. 119.

⁸⁴ For the Full text of declaration, see Annex 15.

⁸⁵ Birol A. Yeşilada and Ahmet Sözen, "Negotiating a Resolution to the Cyprus Problem: Is Potential European Union Membership a Blessing or a Curse?", *International Negotiation*, No 7, 2002, p. 265.

⁸⁶ Robert McDonald, "The Problem of Cyprus", *Adelphi Papers*, No. 234, 1988/99, p. 21. Also see, Christopher Hitchens, "Uncorking the Genie: The Cyprus Question and Turkey's Military Rule", *MERIP Reports*, 1984, No. 122, pp. 25-27.

⁸⁷ Special News Bulletin, 14 February 1974, p. 4.

⁸⁸ Special News Bulletin, 18 February 1974, p. 1.

Forces, which Denktaş had relied on in outlining the Turkish Cypriot hegemonic discourse.

Contacts between the two sides were broken off upon the declaration of the TFSC, but they resumed again with Security Council Resolution 367, which called upon the secretary-general to undertake a new Mission of Good Office.⁸⁹ Resolution 367 proposed a solution based on an independent, sovereign, bi-communal and bi-zonal federation that would take into account the post-1974 realities while respecting the single-sovereignty of Cyprus advocated in UN Security Council resolutions.

Between April 18, 1975 and February 21, 1976, the so-called Vienna Talks were held in Vienna, London, New York and Nicosia under the auspices of Secretary-General Waldheim and his special representatives. Various procedures were adopted, including direct talks between delegated negotiators, indirect proximity talks in which official representatives of the two sides held separate discussions with UN officials who then relayed their findings to Waldheim, and several summit meetings between community leaders.⁹⁰ During these intensive talks, the most significant discussions revolved around themes that had been familiar since the 1960s. Denktaş insisted on a bi-zonal federal republic, with each zone enjoying extensive autonomy, whereas Clerides refused to accept the principle of territorial federation and focused on the rights of return of Greek Cypriot refugees to the homes they had left in the Turkish-controlled zone. The Turkish Cypriot leadership was not ready to discuss the issue of refugees until the Greek side accepted the principle of territorial federation. The only points of agreement were over vague principles of Cyprus's independence, demilitarization and non-alignment⁹¹ – and even these principles were understood to mean different things to the different parties. Although the Vienna Talks failed to produce a comprehensive solution to the Cyprus problem, they yielded one significant result, namely, an agreement on an exchange of populations, with

⁸⁹ For the full text of Resolution 367 (1975) Annex 17.

⁹⁰ McDonald, *op cit.*, p. 23.

⁹¹ Necati Münür Erteğün, *The Cyprus Dispute*, (Oxford: Oxford University Press, 1981), p. 25-44.

Greek Cypriots moving to the south and Turkish Cypriots to the north, in what became the first occasion on which the island was partitioned into two distinct “ethnic zones”. The Vienna Talks also established the principle that a future solution on Cyprus would be based on federation; the only problem was that the understanding of federation was different for each side.

4.2 Ideas Matter: Underlying Principles: 1977-1979

On January 27 and February 12, 1977, Waldheim brought together Denktaş and Makarios for a set of meetings at which the two leaders, in the company of Waldheim, agreed on four principles as the basis for subsequent negotiations. The four principles of what was to become known as the Makarios-Denktaş High Level Agreement were: 1) An independent, non-aligned, bi-communal federal republic would be established; 2) Territory falling under the administration of each community would be discussed in light of economic viability, productivity and land ownership; 3) Questions of principles such as freedom of movement, freedom of settlement, property rights and other specific matters would be open for discussion, taking into consideration the fundamental basis for a bi-communal federal system and certain practical difficulties that might arise for the Turkish Cypriot community; and 4) The powers and functions of the central federal government would be assigned taking into consideration the bi-communal character of the state so as to safeguard the unity of the country.

In accepting the first of these four principles, Makarios made a major concession, agreeing for the first time that the new state would be a bi-zonal federation of two separate communities. George Vassilou stated that Makarios was convinced to solve the Cyprus question, however, he died during the negotiations, and Vassilou defined this event as a turning point in Cyprus history.⁹² The second principle outlining the distribution of territory was also understood to be pro-Turkish, because the Turkish Cypriots claimed that the area and productivity of their land was disproportionately higher than their share of the population and that

⁹² George Vassilou, Personal interview, July 25, 2007

in order to be viable, their zone would require a substantial territorial base.⁹³ The third and fourth principles were adopted to assuage Greek Cypriot fears. Not only would the three freedoms – movement, settlement and the right to own property – be implemented to the greatest extent possible within the bi-communal federal system, bi-zonality would not detract from the fact that the island would have a central government that would enjoy power and authority above its formal presence.⁹⁴ Despite agreement on these four principles, the specific proposals to flow from them only served to highlight the gulf between the two sides – as seen in the document produced by the Turkish Cypriots at the first talks in Vienna in March 1977 and the map submitted by the Greek Cypriots in April 1977 that limited Turkish Cypriot territory to just 20 percent of the island.

The High Level Agreement, while it outlined basic principles, did not actually present a comprehensive framework for a solution. Detailed frameworks documents that the Turkish and Greek Cypriot leadership later presented to the United Nations revealed the gap between the two sides – starting with the meaning of the fundamental concept, federation. The Turkish Cypriot general principles concerning the establishment of a Federal Republic of Cyprus stated that: a) Cyprus shall be an independent, non-aligned, sovereign, bi-zonal Greek-Turkish Federal Republic composed of two federated states, one in the north for the Turkish national community and one in the south for the Greek national community; b) sovereignty shall continue to be shared equally by the two national communities as co-founders of the Republic; and c) the powers and functions of the Federal Government shall be those conferred by the Turkish Cypriot Federated State and the Greek Cypriot Federated Administration by agreement between them. In contrast, the Greek Cypriot general principles governing the constitutional structure of the Federal Republic of Cyprus stated that: a) the Federal Republic of Cyprus shall be an independent, sovereign, non-aligned, bi-communal federal republic consisting of the Greek Cypriot region and the Turkish Cypriot region; b) the territory of the Federal Republic constitutes a single and

⁹³ Bölükbaşı, *op cit* 1997, p. 421.

⁹⁴ *Ibid*, p. 421.

indivisible whole and shall consist of the territories of the regions; and c) the state power of the Federal Republic shall be exercised throughout this territory on all persons.⁹⁵ In other words, the Turkish Cypriots were demanding territorial federation, whereas the Greek Cypriots were proposing a federation with limited authority. In order to legitimize their positions, both sides relied on legalistic formulations grounded in the notion of monolithic sovereignty that were inherently inimical to any shift towards compromise.⁹⁶ The Turkish Cypriot vision of communal security and justice led to an emphasis on separate sovereignty that entailed the emergence of a federal state from the aggregation of the Greek Cypriot and Turkish Cypriot sovereign federated states. However, the Greek Cypriot leadership, while accepting the concept of a bi-communal and bi-zonal federation, emphasized the continuation of the single and indivisible sovereignty of the Republic of Cyprus and disaggregation through constitutional change.⁹⁷

Turkish Cypriots believed that creating a federation through disaggregation would allow for renewed Greek Cypriot domination in the event of a constitutional breakdown and insisted that any solution required the creation of a new state. To the Greek Cypriots, accepting the prior existence of two sovereign states would imply recognition of the legitimacy of the 1974 military intervention and partition. These concerns indicate that historical fears were dominant factors behind the two different viewpoints of federation.

Political equality was another concept that was also interpreted in considerably different manners by the two communities. The Turkish Cypriot leadership insisted that political equality should be reflected in all government arrangements, which meant equality between the two federated states, equality between the federated states and the federal level and equality between the two communities at the federal level.⁹⁸ However, to the Greek Cypriots, the principle of political equality entailed only equality between the two federated states. In

⁹⁵ S/12323, 30 April 1977, Annex C ad D. For the Full text of the proposals, see Annex 17.

⁹⁶ Tocci, *op cit.*, p. 58.

⁹⁷ *Ibid*, p. 58.

⁹⁸ *Ibid*, p. 59.

order to maintain Turkish Cypriot sovereignty, the Turkish Cypriot leadership also demanded sufficient territory to achieve economic self-sufficiency. This idea was rejected by the Greek Cypriot leadership, to whom territorial boundaries did not mean the division into two sovereign entities, but simply an invisible line within the sovereign federation. On the concept of security, Turkish Cypriots demanded an extensive Turkish military guarantee; however, Greek Cypriots considered this the equivalent of outside political interference in the internal affairs of an independent state. Other differences included the Greek Cypriot demand for repatriation of Turkish settlers, which the Turkish Cypriots rejected. The differences between the two communities outlined above lie at the root of the competing hegemonic discourses of the two communities; thus, before the Cyprus problem can be solved, these differences need to be eliminated.

Toward the middle of November 1978, U.S. State Department Counselor Matthew Nimetz, with the participation of Britain and Canada, advanced a 12-point plan for a federal Cypriot state with separate Greek and Turkish regions that entailed the return to Greek Cypriot control of a sizeable amount territories seized by Turkish forces in 1974.⁹⁹ The primary difference between the Nimetz Plan and the Makarios-Denktaş High Level Agreement was that the Nimetz Plan provided a detailed framework for a solution, as follows:

1. Cyprus will be a federal state divided into regions, one populated mostly by Greeks and the other by Turks. No part of it can be united with any other state.
2. The new constitutional structure of Cyprus will be based on the points of this plan and the negotiators will hold their talks on the basis of previous agreements, including the 1960 Constitution and pertinent UN resolutions.
3. The Federal Constitution will provide for all basic rights, including those of movement and property.
4. The federal government will have certain functions, such as foreign relations, defense, currency and central banking, regional and foreign trade, communications, finance, customs, immigration and civil aviation. Other functions will rest with the two regions.

⁹⁹ Camp, *op cit*, p. 60.

5. The federal government includes the following: There will be a two-house legislature, with the upper house evenly divided between Turks and Greeks and the lower house based on population; a law needs approval of both houses, but if the upper house rejects it, the lower house can overrule by a two-thirds majority so long as 38 percent of each community's representatives vote for it; the president shall be from one community and the vice-president from the other; they shall jointly pick the council of ministers, of which neither community can have less than 30 percent; the president and vice president can jointly veto any federal bill, but the veto can be overridden by two-thirds majorities in both houses; a constitutional court shall consist of one Greek Cypriot, one Turkish Cypriot and one outside judge; fair consideration should be given to naming civil servants.
6. Regional governments shall be established, with each having executive branches.
7. An agency will be set up to develop practical cooperation between the two regions.
8. The territory to be controlled will be discussed in negotiations, taking into account economic productivity, viability, land ownership, security, population and history. The Turkish side will agree to significant geographic changes in favor of the Greek Cypriot side.
9. Individuals who were forced to abandon property will be able to return; if they are unable to do so, their demand will be met.
10. An imperative part of the agreement will be withdrawal of all non-Cypriot military units, except for agreed contingencies.
11. A special fund will be established, financed by the federal government and administrated jointly by the two regions. It will be used for development projects in regions of the republic that most need financial and social assistance.
12. To create good will and solve humanitarian problems, the Varosha region will be resettled under UN auspices in stages during the negotiations.¹⁰⁰

The Nimetz Plan could be considered pro-Greek Cypriot, as it offered terms similar to those contained in previous Greek-Cypriot proposals; however, the Greek Cypriots rejected the Nimetz Plan, indicating that they were against any

¹⁰⁰ Bernard Dwertzman, "US Offers New Cyprus Plan in an Effort to Revive Talks," *New York Times*, 29 November 1978.

form of federation with local autonomy and still in favor of a unitary state. Thus, one may argue that the Greek Cypriot hegemonic discourse had maintained continuity since the 1950s, since the Greek Cypriots never accepted any peace proposal that did not approach that of a unitary state.

4.3 Lack of State Structure and Deadlock: 1979-1983

Makarios died in August 1977, and Spyros Kyprianou became the new president of the Greek Cypriots. Up until 1979, relatively few talks were held between the two sides. On May 18, 1979, Denktas and Kyprianou came together in a summit meeting with UN Secretary-General Kurt Waldheim. They adopted the following 10-point communiqué, which had previously been discussed in talks between technical experts:

1. Intercommunal talks will resume on July 15, 1979.
2. The Makarios-Denktaş guidelines of February 12, 1977 and the UN resolutions relevant to the Cyprus question will form the basis for the talks.
3. The human rights and fundamental freedoms of all citizens of the Republic will be respected.
4. The talks will deal with all territorial and constitutional aspects.
5. Priority will be given to reaching an agreement on the settlement of Varosha (Maras) under UN auspices simultaneously with the beginning of the consideration by the interlocutors of the constitutional and territorial aspects of a comprehensive settlement.
6. It is agreed to abstain from any action that might jeopardize the outcome of the talks. Special importance will be given to initial practical measures by both sides to promote good will, mutual confidence and the return to normal conditions.
7. The demilitarization of the Republic of Cyprus is envisaged, and matters relating to this issue will be discussed.
8. The independence, sovereignty, territorial integrity and non-alignment of the Republic will be adequately guaranteed against union, in whole or in part, with any other country and against partition or secession.

9. Intercommunal talks will take place in Nicosia.
10. Intercommunal talks will be carried out in a continuous and sustained manner, avoiding any delay.

Resettlement of Varosha under UN auspices was given priority at the meetings; however, while the Turkish Cypriots were willing to accept the return of Greek Cypriots, they refused to turn the area over to UN control. The differences in the drafts related to constitutional matters presented by both sides disclosed that the extent of the gulf between them had altered little with the acceptance of a federal republic. The Greek Cypriot proposals emphasized the unity and indivisibility of the Republic, which would be a federation and not a confederation; complete freedom of movement, residence and right to own property; the overriding powers of the federal government in the regulation of taxes and the economy; the central authority as the holder of residual powers; and participation in all federal organs according to population ratios. In contrast, the Turkish Cypriot draft placed most of the realities of power in the hands of the two federated states.

In light of Cyprus' recent history of mutual mistrust and the inherent difficulty of organizing a two-unit federation, the Turkish Cypriots maintained that the best way to avoid deadlock was to allow federal institutions to begin operating on a modest scale, allowing room for evolution and transference of additional powers and functions in line with a build-up of trust and confidence. Between May 1979 and April 1983, approximately 250 sessions were held with representatives of both sides; however, the differences on constitutional issues prevented any significant breakthrough.

One major factor behind the lack of progress in the talks was the coming to power of Andreas Papandreou in Athens in October 1981. Prime Minister Papandreou convinced Kyprianou that Denktaş was Ankara's puppet and would refuse all Greek Cypriot demands unless international pressure was brought to bear on Turkey.¹⁰¹ Papandreou and Kyprianou agreed to end inter-communal talks and to once again internationalize the Cyprus problem. This policy led the UN General

¹⁰¹ Bölükbaşı, *op cit.*, p. 422.

Assembly to take up the Cyprus Question afresh, passing a new resolution on May 13, 1983 that called for the “withdrawal of all occupation forces, the return of the Greek Cypriot refugees to their former homes, and convening of an international conference to settle the dispute.”¹⁰² This resolution went against the spirit of the mediation efforts undertaken by various UN secretary-generals since 1975 and effectively dynamited the inter-communal talks. It led to another radical transformation of the Cyprus Question, when the Turkish Cypriot leadership responded to the UN resolution by declaring the Turkish Republic of Northern Cyprus (TRNC) on November 15, 1983.

This period was characterized by the ongoing redefinition of the hegemonic discourses of both the Turkish and Greek Cypriots. The Turkish Cypriot hegemonic discourse was upgraded to one of territorial federation, which included geographical division of the island between the Turkish and Greek Cypriots. The Greek Cypriot hegemonic discourse was redefined as federation without territorial division; while it consented to local autonomy for the Turkish Cypriots, its true aim was the realization of a unitary state in Cyprus, which in fact identifies it as a continuation of the earlier Greek Cypriot hegemonic discourse. The redefined Turkish and Greek Cypriot discourses would compete against one another during future negotiations. Overall, this period revealed how the Turkish and Greek Cypriots attached conflicting interpretations to the same concepts and how these conceptual differences affected their respective policies.

¹⁰² *Ibid*, p. 422. For the full text, see, Annex 18. For the review of Cyprus question and the United Nations, see, Ü. Haluk Bayülken, *Cyprus Question and the United Nations*, (Ankara: CYREP, 2001).

CHAPTER 5

WIDENING THE GAP AND REDEFINING THE HEGEMONIC PROJECTS: 1983-1990

The period of 1983-1990 was one of widening antagonism between the Turkish and Greek Cypriots. Inter-communal talks had reached a deadlock, with neither the Turkish nor the Greek Cypriots capable of developing a solution to the problem of creating a viable state structure. The primary reason for the continual impasses was that each side expected the other to make unilateral compromises and concessions. Their attempts at resolution focused mainly on antagonistic positions, with underlying interests and needs often subordinated to these hostile stances.¹ There was a complete lack of trust, as each community worked to further its own interests and ideas while undermining those of the other. Moreover, the will and confidence to negotiate suffered for lack of a shared definition of the problem. Concepts were interpreted in terms of each side's political and legalistic context and then used as tools to win victory over the other side.

Since 1974, the Greek Cypriots had defined the problem as one of foreign invasion and occupation, violation of international law and human rights. In contrast, the Turkish Cypriots defined the problem as one of neglect, domination and an attempt to turn them into a minority on the island through the Greek Cypriots' pursuit of enosis. It can be argued that this difference in the Turkish and Greek Cypriot definitions of the problem was the major source of the deadlock and the failure of all mediation efforts and inter-communal talks between the two sides. Clement H. Dodd has argued that there are five major reasons for the failure of inter-communal talks, as follows: 1) differences over federation, i.e., the Greek

¹ Maria Hadjipavlou, "Cyprus: An Evolutionary Approach to Conflict Resolution", *The Journal of Conflict Resolution*, Vol. 37, No. 2, 1993, p. 346.

Cypriots favored federation without territorial division, whereas the Turkish Cypriots favored federation with territorial division; 2) differences over the rights of Greek refugees to return to their former homes, i.e., the Greek Cypriots demanded the full right-of-return for refugees, whereas the Turkish Cypriots favored compensation; 3) differences with regard to immigrants from Turkey; i.e., the Greek Cypriots demanded all immigrants return to Turkey, which was unacceptable to the Turkish Cypriots; 4) differences over the Turkish military presence, i.e., the Greek Cypriots demanded the full withdrawal of the Turkish Armed Forces, whereas the Turkish Cypriots considered their presence to be a guarantee of their security, survival and equality on the island; and 5) different interpretations of the concept of sovereignty, i.e., the Greek Cypriots demanded single sovereignty, whereas the Turkish Cypriots based their claim to sovereignty on a constitution that recognized their equal partnership.² Thus, what constituted a solution for one side constituted a problem for the other.

This chapter assumes that the gap between the Turkish and Greek Cypriots widened during this period. The Turkish Cypriots redefined and upgraded their hegemonic discourse to one of independence. The Greek Cypriots also redefined their hegemonic discourses, which reverted from federation without territorial division to achieving a unitary state under Greek Cypriot domination. Moreover, the Greek Cypriots and Greece again tried to internationalize the Cyprus problem and gain the support of international actors to achieve their goals. Turkey still continued to support the Turkish Cypriots; however, it had lost its image of restorer of the constitutional order on Cyprus and was now accused of being an invader. The U.K. and U.S. hegemonic discourses were also redefined in this period and replaced with new hegemonic discourses aiming to solve the Cyprus problem and secure the withdrawal of Turkish forces from Cyprus.

² Clement H. Dodd, "Constitutional Features of the UN Plan for Cyprus and its Antecedents", *Turkish Studies*, Vol. 6, No. 1, 2005, p. 41.

5.1 Declaration of the TRNC: 1983

As mentioned in the previous chapter, Greek Prime Minister Andreas Papandreou represented a real stumbling block to a solution, having convinced Kyprianou that Denktaş was controlled by Ankara, which would remain inflexible without international pressure.³ In line with these perceptions, one of the major aims of Greek Cypriot and Greek policy from this date forward was to discontinue inter-communal talks and garner enough support among the international actors to exert sufficient pressure on Turkey to accept the Greek and Greek Cypriot proposals. Papandreou's first trip abroad as prime minister was to Cyprus, which emphasized the new Greek government's commitment to making withdrawal of the Turkish occupation forces a condition for resumption of Cypriot inter-communal talks.⁴

As part of his diplomatic campaign to achieve this goal, Papandreou declared Cyprus to be an international problem that could not be solved while Turkish troops remained on the island, and he proposed a plan for Cyprus's demilitarization, accordingly.⁵ However, while they demanded the demilitarization of Cyprus, they opposed the demilitarization of the Aegean islands. Papandreou's Pan-Hellenic Socialist movement had come to power on a platform that included withdrawing from NATO, closing American military bases in Greece and leaving the European Common Market;⁶ however, Papandreou later backtracked from these positions.⁷ In an interview with the press on the eve of his visit to Cyprus in

³ Süha Bölükbaşı, "The Cyprus Dispute and the United Nations: Peaceful Non-Settlement between 1954-1996", *International Journal of Middle East Studies*, Vol. 30, No. 3, 1998, p. 422.

⁴ Christopher Hitchens, "Greece, Cyprus, America", *The New York Times*, 30 October 1981.

⁵ Marvine Howe, "Papandreou, Due in Cyprus Today, Starts for Turkish Pullout", *The New York Times*, 7 February 1982.

⁶ *Ibid.*

⁷ For the Greek Foreign Policy, see, Sergios Zambouras, "Current Greek Attitudes and Foreign Policy", in *Cyprus: The Need for New Perspectives*, ed. by Clement H. Dodd, (Huntingdon: The Eothen Press, 1999), p. 114-127. Also, Yannis A. Stivachtis, "Greece and the Eastern Mediterranean Region: Security Considerations, the Cyprus Imperative and the EU Option", in *The European Union and the Cyprus Catalyst: Modern Conflict, Postmodern Union*, ed. by Thomas Diez, (Manchester University Press, 2002), 34-53. Kaysar V. Mavratsas, *Elen Milliyetçiliğinin Kıbrıs'taki Yönleri*, (Lefkoşa: Galeri Kültür Yayınları, 2000).

February 1982, the Greek prime minister said that he would delay the base closures until after speaking with President Reagan at an upcoming meeting of NATO heads of government in June. Papandreou also condemned martial law in Poland, but stressed Greece's determination to improve relations with the Eastern bloc, including the Soviet Union, and on another foreign policy topic, the Middle East, he emphasized that Greece linked Israeli security to Palestinian self-determination."⁸ With regards to Greek-Turkish relations, Papandreou insisted that he wished to seek a formula for peace in the Aegean while maintaining a military balance with Turkey in order to avert war between the two NATO allies.⁹

Clearly, the Greek government was trying to put pressure on the United States. Threatening base closures was, in fact, a tactic for securing U.S. support on Cyprus, whereas suggestions of closer Greek-Soviet relations were an attempt to use détente politics to garner Soviet support. Moreover, Papandreou's emphasis on Palestinian self-determination shows clearly that he intended to open a discussion on the right of self-determination in Cyprus as a means of achieving his aim of a unitary state. The New York Times quoted Papandreou as follows:

In Cyprus, I am going to show merely that Greece is fully aware of the fate of the Cypriot people and assure them that we will do everything we can peacefully to bring about a solution which guarantees their territorial integrity and independence in the context of the demilitarization.¹⁰

While the Greek leadership aimed to achieve Cypriot independence and territorial integrity, Papandreou insisted that this was not a campaign against Turkey.¹¹ In the same interview, Papandreou predicted that the inter-communal talks on Cyprus would end in another impasse and, in yet another attempt by the

⁸ Howe, *op cit.*

⁹ For the Turkish-Greek Relations, see, Mustafa Aydın, "Crypto-Optimism in Turkish-Greek Relations, What is Next", *Journal of Southern Europe and the Balkans*, 2003, Vol. 5, No. 2, pp. 223-240; and, Mustafa Aydın and Kostas Ifantis (eds), *Turkish-Greek Relations: The Security Dilemma in the Aegean*, (London: Routledge, 2004). Şenol Koray Sakıncı, *Kıbrıs Tüneli: Türk-Yunan İlişkileri*, (İstanbul: Akademi Kültür Sanat, 2007).

¹⁰ Howe, *op cit.*

¹¹ *Ibid.*

Greek government to internationalize the Cyprus problem, offered Athens' support for a U.N. conference in order to bypass this impasse.

The Greek and Greek Cypriot leaderships had long been worried that the Turkish Cypriots were entertaining thoughts of declaring independence. In a March 18, 1980 letter to U.N. Secretary-General Waldheim, President Kyprianou had condemned Rauf Denktaş's provocative statements threatening to declare an independent state and reopen Greek Cypriot hotels in Varosha.¹² Kyprianou's letter provided several examples of Denktaş's inflammatory remarks, such as the following comment made during a March 16 interview on Bayrak Radio:

We are independent anyway, despite the word federation in our name...with our soil, our soldiers, our constitution, our government and all the organs of our government, we are fully independent in every field and we are a state and a government equal to the Greek Cypriots...the issue consists of recognition and requesting other states to recognize us...at least a few Greek Cypriot-owned hotels in Famagusta should be reopened in the near future.¹³

In order to prevent the Turkish Cypriots from unilaterally declaring independence, the Greek Cypriots and Greece began a burst of multilateral diplomacy aimed at internationalizing the Cyprus problem.

The Turkish Cypriots, meanwhile, viewed Papandreou's visit to Cyprus and his statements during the visit as an attempt to sabotage the talks between the Greek and Turkish Cypriots and as direct provocation aimed at Turkey.¹⁴ Turkish Cypriot Spokesman Kenan Atakol¹⁵ responded to Papandreou's emphasis on Hellenic solidarity in the face of the Turkish occupation, warning, "He declares that he openly started the crusade for Hellenizing the whole of Cyprus and uniting it with Greece, forgetting that 150,000 Moslem Turkish Cypriot people will never consent to Papandreou's chauvinistic aims."¹⁶ Statements by the Greek Cypriot

¹² S/13848, 8 March 1980.

¹³ *Ibid.*

¹⁴ Marvine Howe, "Papandreou Seeks International Cyprus Talks", *The New Times*, 2 March 1982.

¹⁵ Kenan Atakol, *Turkish & Greek Cypriots: Is their Separation Permanent?*, (Ankara: METU Press, 2003).

¹⁶ Howe, *op cit.*,

and Greek governments had awoken fears among the Turkish Cypriots that the Greek Cypriots had essentially redefined their hegemonic discourse to achieving enosis and a unitary state. These fears were confirmed by Glafkos Clerides's comments describing Greek Cypriot society as currently divided into two groups – the Realists, who argued that enosis could not be achieved, and the Romantics, who believed that it could – and identifying Kyprianou as among the latter.¹⁷

In fact, Kyprianou believed that he could manage enosis even without Greek support, and his strategy led to a Turkish-Cypriot counter-strategy for preventing enosis. The Turkish Cypriot leadership suspected that the Greek Cypriots were only supporting federation as a transitional step towards enosis. These suspicions, plus anxieties over renewed attempts to internationalize the Cyprus Question, led the Turkish Cypriots to believe they were better off trying to gain recognition for their own state rather than attempting to establish another partnership – a federation – that had no guarantee of survival

At one point Kyprianou chose to abandon the inter-communal talks proceeding between the Turkish and the Greek Cypriots in order to attend the Non-Aligned Summit in New Delhi, intending to use this international platform to lobby for the withdrawal of Turkish troops from Cyprus. Kyprianou's attempts to drum up support for resolutions on the international level while continuing negotiations for a federal solution in inter-communal talks on the local level represented a challenge that had a concrete, negative effect on the talks. Denktaş responded by warning the Greek Cypriot leadership, "You will not find us in the same position and with the same status if you leave the negotiation table."¹⁸ As mentioned earlier, Denktaş had always harbored ideas of independence, and the Greek and Greek Cypriot attempts to internationalize the issue gave him the pretext he needed to make an official declaration of Turkish Cypriot independence. Clearly, the competing Turkish and Greek Cypriot hegemonic discourses provided negative support for one another, thereby widening the gap between them. Both the Greeks and the Greek Cypriots used every opportunity at hand to promote the

¹⁷ Niyazi Kızılyürek, *Glafkos Klerides: Tarihten Güncelliğe Bir Kıbrıs Yolculuğu*, (Ankara: İletişim Yayınları, 2007), p. 185.

¹⁸ Rauf R. Denktaş, *The Cyprus Triangle*, (New York: The Office of the TRNC, 1988), p. 114.

Greek Cypriot leadership as the legitimate government of Cyprus. The Greek Cypriots had no intention or incentive to settle the Cyprus problem by reestablishing their partnership with the Turkish Cypriots. The Turkish Cypriots also took advantage of the Greek Cypriots' strategy to achieve their ultimate goal of declaring independence. Denktaş believed that a declaration of independence and international recognition would push the Greek Cypriots towards a settlement based on an inter-communal partnership, namely, a bi-zonal, bi-communal federal system.¹⁹

The Greek government also redefined its hegemonic discourse from merely laying claim to its status as a legal actor in Cyprus politics to one involving a more active role. The Greek government hoped to use the Cyprus problem to shift the balance of power between Turkey and Greece in its favor. Turkey²⁰, meanwhile, maintained its stance on a federal solution in Cyprus and did not appear to support the Turkish Cypriot leadership on a declaration of independence. The Bülent Ulusu government program stated that Turkey backed a bi-communal, bi-zonal federal solution based on the 1977-1979 High Level Agreements,²¹ which supports the argument that the Turkish hegemonic discourse remained consistent even after the 1980 coup in Turkey, with the military regime continuing to support a federal solution. Denktaş claims to have proposed a declaration immediately after the Turkish intervention, but that his proposal was rejected by the Turkish government.²² However, it should be noted that Denktaş had a close relationship with the Turkish military, and while there is no concrete evidence of the fact, it seems reasonable to suspect that he had the support of the Turkish Armed Forces.

¹⁹ *Ibid*, p. 119.

²⁰ For Turkish Foreign Policy, see, Mümtaz Sosyal, *Aklını Kıbrısla Bozmak*, (Ankara: Bilgi Yayınevi, 1995). Işıl Kazan, "Cyprus and the Eastern Mediterranean, seen From Turkey", in *The European Union and the Cyprus Catalyst: Modern Conflict, Postmodern Union*, ed. by Thomas Diez, (Manchester University Press, 2002), 54-70. Clement H. Dodd, "Cyprus in Turkish Politics and Foreign Policy", in *Cyprus: The Need for New Perspectives*, ed. by Clement H. Dodd, (Huntingdon: The Eothen Press, 1999), pp. 128-147.

²¹ Ahmet Aydoğdu, *Kıbrıs Sorunu Çözüm Arayışları: Annan Planı ve Referandum Süreci*, (Ankara: Asil Yayınları, 2005), p. 167.

²² *Ibid*, p. 119.

During the first half of the 1980s, the Cyprus Question lost its potential to affect the American presidential elections. Beginning with the Reagan Administration, Cyprus was no longer deemed worthy enough of an American president's attention to warrant his involvement,²³ and the issue was dropped from the agenda of high-level politicians and handed over to either experts or special envoys. The Reagan Administration evaluated the Cyprus Question within a narrow regional context, never considering it to be a front-burner issue that might seriously affect American interests.²⁴ Rather than becoming personally involved in diplomacy or assigning the task of Cyprus mediation to a special envoy, Reagan had a permanent desk established within the State Department to deal with the problem. During this period, the aim of the United States was to reach a solution through mediation or inter-communal talks without upsetting the balance between Turkey and Greece. Washington also favored implementation of confidence-building measures between the Greek and Turkish Cypriots. U.S. Assistant Secretary of State for European Affairs Lawrence Eagleburger identified U.S. policy towards Cyprus in 1981 as follows:

The U.S. strongly supports the inter-communal negotiations under the stewardship of the UN... It is only through direct negotiations between the communities that a stable, enduring settlement on Cyprus can be found... The U.S. will continue to work closely with all parties to the discussion in order to encourage patient, flexible negotiating and creative approaches to longstanding problems.”²⁵

A similar statement, indicating Washington's preference for inter-communal talks and a federal solution to the Cyprus Problem, came from Special Cyprus Coordinator and Deputy for Policy Planning Richard Haas on November 2, 1983:

U.S. Cyprus policy is based upon active support for the U.N. secretary-general in the good office role entrusted to him by the

²³ Nasuh Uslu, “The Cyprus Question Between 1974 and 2004 and its Relation to Turkish Foreign Policy”, in *Turkish Foreign Policy in Post Cold War Era*, ed. By İdris Bal, (Florida: Brown Walker Press, 2004), p. 214.

²⁴ *Ibid*, p. 214..

²⁵ *American Foreign Policy Current Documents 1981*, (Washington: Department of State, 1984), p. 457.

Security Council... The Reagan Administration intends to continue following the secretary-general's lead, believing strongly that in his good offices role lies the best chance for making progress in Cyprus. The general principles of an eventual Cypriot state are contained in the foundations of the present round of inter-communal talks: the Makarios-Denktaş Instructions to the Negotiators of February 12, 1977; the Denktaş-Kyprianou Ten-Point Agreement of May 19, 1979; the secretary-general's statement opening the talks on August 9, 1980; and the secretary-general's evaluation of 1981.²⁶

In general, during this period, the United States came to consider Cyprus as a problem that should be solved by the two parties concerned, namely, Ankara and Athens;²⁷ however, wishing to avoid a military confrontation between these two allies, the U.S. role became one of conflict-prevention between Greece and Turkey.

The United Nations also made an attempt at mediation in Cyprus between 1980 and 1983 through U.N. Special Representative Hugo Gobi²⁸; however, talks broke down in May 1983 when the Republic of Cyprus, supported by Greece, brought its case directly to the U.N. General Assembly in a move that represented the Greek side's return to its traditional strategy of relying on the United Nations as the dispenser of political legitimacy for policies, actions, and claims of states.²⁹ The result this time was the passage of Resolution 37/253,³⁰ which demanded the immediate withdrawal of Turkish forces.³¹

Resolution 37/253 represented a turning point in the Cyprus problem, leading both the Turkish and Greek Cypriots to upgrade their respective hegemonic discourses. The Turkish Cypriot hegemonic discourse became one of

²⁶ *American Foreign Policy Current Documents 1983*, (Washington: Department of State, 1985), pp. 470-471.

²⁷ Baskın Oran, ed., *Türk Dış Politikası: Kurtuluş Savaşından Bugüne Olgular, Belgeler, Yorumlar*, Vol. 2, (Ankara: İlteşim Yayınları, 2004), p. 61.

²⁸ Hugo Goggi, *Rethinking Cyprus*, (Israel: Ha'Dfus Hejadesh, 1993).

²⁹ Süha Bölükbaşı, "The Cyprus Dispute and the United Nations: Peaceful Non-Settlement between 1954-1996", *International Journal of Middle East Studies*, Vol. 30, No. 3, 1998, p. 422.

³⁰ For the Full text of the Resolution 37/253, see Annex 18.

³¹ Nathalie Tocci, *EU Accession Dynamics and Conflict Resolution: Catalyzing Peace or Consolidating Partition in Cyprus*, (Hampshire: Ashgate, 2004), p. 57.

independence, whereas the Greek Cypriot hegemonic discourse became that of being the legitimate government of the Republic of Cyprus, which encouraged the Greek Cypriots in their goal of achieving a unitary state. Evidence of the change in the Greek Cypriot hegemonic discourse can be found in the resignation of Foreign Minister Nicos Rolandis, who denounced President Kyprianou as not being serious about a bi-zonal federation.³² Frustrated by the Greek Cypriots' advantage of recognized statehood, the Turkish Cypriots responded with a declaration of their own independence on November 15, 1983.³³ Included in the proclamation was a statement that reflected their frustration that "the Greek Cypriot leadership have abandoned the conference table in a bid to drag the Cyprus problem to international fora to which the Turkish Cypriot people have no access."³⁴ The proclamation made it clear that the Turkish Cypriots aimed to eliminate the Greek Cypriot administration's posturing as the authority on the island and deal with it from a position of equality at international platforms.³⁵ In other words, the declaration was an attempt by the Turkish Cypriots to balance their situation with that of the Greek Cypriots.

The declaration was made during the interregnum between the election of Turkish Prime Minister Turgut Özal and his taking office. As Rauf Denktaş wrote in his 1982 book *The Cyprus Triangle*:

I first spoke of my intentions to the Prime Minister of the Turkish Federated State, and ex-[Turkish Cypriot] Prime Minister Nejat Konuk, who undertook to inform their senior colleagues. The idea spread like wildfire... For many nights the lights in the Presidency did not go out. In silence our supporters were working hard and bringing in enthusiastic new recruits.³⁶

The decision to declare independence appears to have been one taken by Denktaş on his own in an extraordinarily secret move of which few people other

³² Denktaş, *op cit.*, p. 115.

³³ For the Full text of Independence Declaration, see, Annex 19.

³⁴ See Annex 19.

³⁵ Bölükbaşı, *op cit.*, p. 422.

³⁶ Denktaş, *op cit.*, p. 122.

than his closest associates were aware. The majority of the members of the Turkish Federate State parliament only learned of Denktaş's intentions at a presidential dinner arranged the evening before the declaration. Upon Denktaş's invitation, the members of parliament ate and joked until 23.30,³⁷ at which point Denktaş stated that he had the majority in parliament that he needed to declare independence, and then listened to the views of those present. As he later wrote:

There was no other alternative. From 1963 to 1983 we had been deprived of all our rights by the Greek Cypriots; we were treated as outlaws and as long as we stayed dormant in our present position this state of affairs would continue. The world had to see that we existed. Recognition was of secondary importance. What was important was to get on the road to recognition. The key to a federal settlement was the assertion of our statehood.³⁸

For Denktaş, the declaration of independence represented the achievement of a long-lasting dream. He received support for his decision, and for the secrecy surrounding it, from İsmail Bozkurt, the leader of the Turkish Cypriot Communal Liberation Party (CLP). However, the CLP wanted to go even further by demanding recognition, which Denktaş, at the time did not favor.³⁹

Whether or not Denktaş had the support of Turkey is unknown. Asaf İnhan and Candemir Önhon, both former ambassadors to Cyprus, later stated that they were not aware that independence was going to be declared.⁴⁰ Even İnal Batu, the Turkish Ambassador to Cyprus from 1981-1984, has said he knew nothing about the Turkish Cypriots' plans. However, a telegram sent by Batu to the Turkish Foreign Ministry informed them that, "at the Turkish Federated State parliament, there was a great and extraordinary activity, and it seems that there will be an extraordinary session, where, I heard, the decision to declare independence will be

³⁷ *Ibid*, p. 123.

³⁸ *Ibid*, p. 123.

³⁹ İsmail Bozkurt, personal interview, 23 April 2007.

⁴⁰ Gül İnanç, *Büyükelçiler Anlatıyor: Türk Diplomasisinde Kıbrıs (1970-1991)*, (İstanbul: Türkiye İş Bankası Kültür Yayınları, 2007).

taken.”⁴¹ Batu hesitated to go further, apparently because he believed it was the wrong time to discuss these issues.

Denktaş, however, claims to have planned his entire strategy together with İlder Türkmen, who was the foreign minister of Turkey at the time.⁴² At the time, Türkmen denies this, insisting that he was in favor of inter-communal talks and had engaged in discussions with Denktaş for months because he had hoped to convince the Turkish Cypriot leader *not* to declare independence.⁴³ In hindsight, it is apparent that Denktaş made his decision together with İlder Türkmen and with the support of the Turkish Armed Forces, and, in fact, in a recent interview, Türkmen confirmed that he and Denktaş designed the whole process together.⁴⁴ According to the former foreign minister, declaring independence was a necessity because it enabled the Turkish Cypriots and Turkey to pressure the Greek Cypriots and international actors into reopening negotiations for a settlement. More importantly, since the constitution of the Turkish Federated State forbade Denktaş from running for reelection, the declaration of a new state was the only way that Denktaş could remain in power, and at the time, Türkmen argues, there was no other Turkish Cypriot leader of Denktaş’s stature capable of following through on Cyprus policy.

Parallels can be drawn between the declaration of the Turkish Republic of Northern Cyprus (TRNC) and the earlier declaration of the Turkish Federated State. Both declarations were made during weak Turkish governments and with the support of the Turkish Armed Forces. This is an indication of how Denktaş, after identifying his political goal and strategy and gaining the support of the Turkish military, waited for the most appropriate time to launch his project. Although Ankara claimed to have been taken by surprise by the declaration of the TRNC, Denktaş, on October 14, 1983, had publicly declared his intention of making the move precisely when he did. “I want, he said, “to declare

⁴¹ *Ibid*, p. 101.

⁴² Rauf Denktaş, personal interview, 24 April 2007.

⁴³ İlhan Uzgel, *Ulusal Çıkar ve Dış Politika*, (Ankara: İmge Yayınları, 2004), p. 339.

⁴⁴ İlder Turkmen, Personal Interview, July 19, 2007.

independence before this present government in Turkey goes out and before the new government comes in, as they are not accused of having done it themselves, and they have not consented to it, they don't know that I have the intent. I am now disclosing it.”⁴⁵ This was “the right time” for Denktaş, because he felt it would protect Turkey from being blamed for the decision and also because neither Denktaş nor Turkmen believed that Turkey's newly elected Prime Minister, Turgut Özal, would make the declaration himself.

According to the declaration of independence, the Turkish Cypriots' newly acquired statehood

does not constitute an obstacle for the two equal peoples and their administrations to found a new partnership under a real framework of a federation... such a declaration might facilitate genuine efforts in this direction by fulfilling the necessary preconditions for the establishment of a federation... The TRNC will ... not merge with any other country. We are in favor of continuing the goodwill mission of the U.N. secretary-general.⁴⁶

In fact, the argument that the declaration would facilitate a solution of the Cyprus problem was mere window-dressing. On the contrary, the Turkish Cypriot leadership took several steps to consolidate the new state and clarify its status by forming a new government; transforming the parliament into an enlarged constituent assembly; agreeing to have this new assembly draft a new constitution; announcing new elections, to be held, presumably under a new constitution, by May 1984; and establishing commissions to select a flag and national anthem for the new state.⁴⁷ All these were signs of the creation of a new state; however, this state, the TRNC, was recognized only by Turkey.

As might be expected, the Greek Cypriot leadership reacted severely to the Turkish Cypriot declaration of independence. Greek Cypriot President Kyprianou, in a visit to Denktaş, declared that he would not negotiate with him unless he abrogated the declaration of independence, and followed up on this with renewed

⁴⁵ Robert McDonald, “The Problem of Cyprus”, *Adelphi Papers*, No. 234, Winter 1988/89, pp. 26-27.

⁴⁶ See Annex 19.

⁴⁷ Ellen B. Liapson, “Cyprus: Turkish Cypriot Statehood and Prospects for Settlement”, *The Library of Congress*, 1984, p. 3.

diplomatic efforts to garner international support for his government's position, meeting once with President Reagan and twice with U.S. Secretary of State George Shultz. In mid-January, President Kyprianou announced a comprehensive framework for resolving the crisis, including specific suggestions regarding territory and power-sharing in a federal solution.

In contrast, Greek Prime Minister Papandreou condemned the Turkish Cypriot declaration as illegal and Turkey's recognition of the TRNC as a flagrant violation of all agreements and U.N. resolutions.⁴⁸ Although initially seeming to favor emergency talks by the three Guarantor powers, Greece subsequently focused most of its efforts on condemning the act and trying to isolate the TRNC in international fora.

Not only did the United States express its displeasure over the Turkish action, the U.S. State Department actively sought to prevent the Muslim countries from offering recognition to the TRNC by warning each of them individually. Washington made it known, through a U.S. State Department Press Briefing, that

The move by the Turkish Cypriots comes as a complete surprise to us. We are dismayed by the move which we consider unhelpful to the process of finding a settlement to the Cyprus dispute... The Turkish Cypriots should reverse their actions. We have urged the Government of Turkey to use its influence with the Turkish Cypriot community to bring about such a reversal. We will not recognize the new polity, and urge all countries of the world not to recognize it. We urge all parties to the Cyprus question to support the efforts of the Secretary-General to bring about a fair and final negotiated settlement of the problems of the country. In our opinion, the secession of the Turkish community from the Republic of Cyprus presents potentially serious damage to that process.⁴⁹

Thus, America refused to recognize the declaration of the TRNC and insisted that the inter-communal talks and the U.N. secretary-general's good office mission continue to work on finding a settlement to the Cyprus Problem.

The TRNC declaration of independence was also condemned by the European Community, as follows:

⁴⁸ *Ibid*, p. 4.

⁴⁹ *American Foreign Policy Current Documents 1983*, (Washington: Department of State, 1985), pp. 472.

The 10 EC member states reiterate their unconditional support for the independence, sovereignty, territorial integrity and unity of the Republic of Cyprus. They continue to regard the Government of President Kyprianou as the sole legitimate Government of the Republic of Cyprus. They call upon all interested parties not to recognize the TRNC, which creates a very serious situation in the area.⁵⁰

5.2 De Cuellar's Proposal for a Framework Agreement: 1984-1986

U.N. Special Envoy Hugo Gobi expressed his opposition to the Turkish Cypriot declaration and feared it would paralyze the inter-communal process. On November 18, 1983, the Security Council passed Resolution 541, saying that the unilateral declaration of independence was incompatible with 1960 treaties; attempts to create the TRNC were invalid; the secretary-general should continue his good-will mission; and all states should recognize no Cypriot state other than the Government of Cyprus.⁵¹ On May 11, 1984, the Security Council passed Resolution 550, which condemned the Turkish and Turkish Cypriot exchange of ambassadors as an act of secession. The resolution reiterated U.N. calls against the recognition of the TRNC and for the protection of the sovereignty and territorial integrity of the Republic of Cyprus,⁵² and reaffirmed the good offices of the U.N. secretary-general, requesting him to start the negotiation process.

The unilateral declaration of independence galvanized the new U.N. secretary-general, Xavier Perez De Cuellar, to propose that the elements of consensus reached over years of negotiations be collated into a Draft Agreement and to couple this with a mechanism for resolution of the outstanding issues. The draft would be signed with the understanding that the results would be considered as an integrated whole; that is, the ultimate commitment to an overall solution would depend upon resolution of all issues to the mutual satisfaction of both sides. This represented the beginning of a new phase in the Cyprus negotiations, whereby

⁵⁰ Costas Melakopides, "Implications of the Accession of Cyprus to the European Union for Greek-Turkish and Euro-Turkish Relations", *Mediterranean Quarterly*, 2006, Vol. 17, No. 1, p. 79.

⁵¹ For the Full text Resolution 541 (1983) see Annex 20.

⁵² For the full text Resolution 550 (1984) see Annex 21.

the U.N. abandoned its “mini-package approach” in favor of a comprehensive settlement.

U.N. Secretary-General de Cuellar tried to formulate a comprehensive approach for the inter-communal negotiations, based on the 1977 and 1979 Summit Agreements. This approach was taken up more enthusiastically by the Turkish Cypriots than the other actors. In fact, the Turkish Cypriots have always favored a comprehensive, wholistic approach to inter-communal talks, because they assumed that if they accepted an agreement that contained resolutions to only a limited number of the issues surrounding the conflict, then they would not only be committing themselves to a negotiation process in which they would have no guarantees that their major concerns would be fulfilled, but they would be losing their bargaining power as well – since their plans had been to “trade land for peace,” i.e., return to the Greek Cypriots part of the area taken under Turkish control in return for favorable terms on constitutional issues in a comprehensive agreement.⁵³

De Cuellar’s initiatives paid off, and three rounds of talks were held in New York between September and November of 1984. Kyprianou’s refusal to meet face-to-face with Denktaş led the negotiations to be referred to as “proximity talks” – because the two Cypriot leaders sat in two separate rooms in the U.N. building, with de Cuellar shuttling messages back and forth between the two parties.⁵⁴ Between 1984 and 1986, the United Nations, under Secretary-General de Cuellar, drafted three agreements: the Working Points (1984), the Integrated Documents (1985) and the Draft Framework Agreement (1986). The Working Points contained the following provisions:

1. The Federal Republic of Cyprus would include two provinces or federated states and would comprise the Greek Cypriot and Turkish Cypriot communities, the members of whom would be citizens of the Federal Republic.

⁵³ Ahmet Sözen, “The Cyprus Negotiations: From 1963 Inter-communal Negotiations to the Annan Plan”, paper prepared to be presented at the *Sixth Global Leadership Forum*, İstanbul, 24-27 June 2004.

⁵⁴ Bölükbaşı, *op cit.*, p. 423.

2. The official languages of the Federal Republic would be Greek and Turkish.
3. The Federal Republic would have a neutral flag and anthem, to be agreed.
4. The powers and functions of the Federal Republic would be delineated.
5. The legislature of the Federal Republic would be composed of two chambers: a lower chamber with a 70-30 ratio of Greek Cypriot and Turkish Cypriot representation and an upper chamber with a 50-50 ratio.
6. The system of government of the Federal Republic would be a presidential system.
7. The president, to be of Greek Cypriot origin, and the vice-president, to be of Turkish Cypriot origin, would symbolize the unity of the country and the equal political status of the two communities. They would separately or conjointly have the right to veto any law or administrative decision.
8. The Council of Ministers would be composed of Greek Cypriot and Turkish Cypriot ministers in a 7-to-3 ratio.
9. The Constitutional Court of the Federal Republic would be composed of one Greek Cypriot, one Turkish Cypriot and one non-Cypriot voting member.⁵⁵

The Working Points provided a very important opportunity for both sides to move forward to the small details of a solution. Up until that time, the Working Points was the most comprehensive text in terms of describing the structure of a federal solution. Both the Turkish and the Greek Cypriots stated their satisfaction with the Working Points, and plans were made to sign the document on January 17, 1985. However, prior to the signing, following a visit by Kyprianou to Greece and discussions with Greek Prime Minister Papandreou, the Greek Cypriot leader refused to sign the Working Points, demanding renegotiations of the issues contained therein, and adding the following pre-conditions: 1) withdrawal of Turkish troops and settlers from Cyprus; 2) effective international guarantees; and

⁵⁵ Metin Tamkoç, *The Turkish Cypriot State: The Embodiment of the Right of Self Determination*. (London: K. Rüstem & Brother, 1978), pp. 123-124.

3) application of the three freedoms, i.e., movement, settlement and property rights.⁵⁶

On April 12, 1985, Secretary-General de Cuellar completed the draft of a new document, which he described as a consolidation of the 1984 proposals. However, these proposals were revised in line with the Greek Cypriot viewpoint, reflecting the fact that consolidation negotiations were conducted with the Greek Cypriots only. As a result, the Integrated Documents, as they were called, were not acceptable to the Turkish Cypriots and were rejected in a letter to Perez de Cuellar, in which Denktaş also expressed his surprise over the draft's appearance in the Greek Cypriot press before he had seen it himself.⁵⁷

The two sides allowed the secretary-general to make another attempt at consolidating existing texts in another comprehensive document, which was presented on March 19, 1986 as the Draft Framework Agreement. According to de Cuellar, by addressing all of the interrelated issues associated with the problem, it offered a plan that could be viewed as an integrated whole.

According to the plan, the new Cypriot state would be constitutionally bi-communal and territorially bi-zonal, with the Turkish Cypriots retaining "29 plus" percent of the land. The president would be a Greek Cypriot and the vice president would be a Turkish Cypriot. A cabinet of ten ministers, three of whom would be Turkish Cypriots, and a House of Representatives and a Senate would be established. The composition of the House would be 70% Greek Cypriot and 30% Turkish Cypriots, whereas the Senate would be equally divided between the two communities. The Turkish Cypriots would have veto power over all decisions of the federal government. Each community would have its own police force. Finally, it was stated that a timetable for the withdrawal of non-Cypriot military troops and elements as well as adequate guarantees would be agreed upon prior to the establishment of the transitional federal government.

Kyprianou, after discussions with Greece, rejected the entire draft, saying the concept of an integrated whole was an insufficient guarantee that did not

⁵⁶ Birol A. Yeşilada and Ahmet Sözen, "Negotiating to the Cyprus Problem: Is Potential European Union Membership as Blessing or a Curse?", *International Negotiation*, No. 7, 2002, p. 267.

⁵⁷ Sözen, *op cit.*, p. 8.

satisfy Greek Cypriot concerns.⁵⁸ Kyprianou argued that he would be giving concessions on constitutional issues without getting anything on security and property issues in return. Instead, he proposed two alternative courses of action – either an international conference, with guarantees, to deal with the withdrawal of troops and settlers, or another high-level meeting to discuss these matters together with the application of the “three freedoms”.⁵⁹

For its part, the Turkish Cypriot leadership welcomed the draft agreement, but emphasized that Turkey’s military guarantee was the *sine qua non* for the security and survival of the Turkish Cypriots. The Turkish Cypriot leadership also demanded the lifting of the economic embargoes imposed against them. The gap between the two sides remained, with the Turkish Cypriots prepared to enter into a federal arrangement only if they were granted full partnership status and the legal safeguards to sustain it while, the Greek Cypriots refused the notion of bi-zonal settlement, believing it would lead to the partition of the island. The hegemonic discourses of the Turkish and Greek Cypriots prevented any possible solution of the Cyprus problem, and once more, a historical bloc was unable to form. In short, inter-communal talks failed to settle the Cyprus problem.

5.3 Linking the Cyprus Question to the EU: 1986-1990

Inter-communal talks came to a halt after 1986. In February 1988, presidential elections were held among the Greek Cypriot community, and Kyprianou lost the elections to George Vassilou. When talks were re-launched in August 1988 between Denktaş and the new Greek Cypriot president, there was a greater sense of optimism, as Vassilou was viewed as considerably more moderate than his predecessor. Although he received support from AKEL, Vassilou ran as an independent candidate and in his election campaign, he promised to press for unity talks with the Turkish Cypriot leadership.⁶⁰ The press described Vassilou as

⁵⁸ McDonald, *op cit.*, p. 29.

⁵⁹ *Ibid*, p. 30.

⁶⁰ Augustus Richard Norton, “Post-Election Flexibility: New Hope for Unity in Cyprus”, *The New Leader*, 7 March 1988, p. 8.

“businesslike and affable in manner... not the type to waste time haggling over who has been unjust to whom but rather he is likely to simply ask his Turkish-Cypriot interlocutors, ‘what do you want?’”⁶¹ In fact, however, just like his predecessors, Vassilou attempted to present the events of 1974 as the source of the Cyprus conflict, claiming that everything had been just fine before the attack, invasion and occupation of part of his country’s territory by a foreign power, Turkey. By simply ignoring the demands of the Turkish Cypriots, Vassilou sent a clear signal that contrary to expectations, the Greek Cypriot hegemonic discourses would not change in the near future. Charging that Denktaş was nothing more than a puppet of Ankara, Vassilou refused to talk to him and demanded to negotiate directly with Turkey. However, Turkish Prime Minister Turgut Özal refused to bypass Denktaş and meet with Vassilou due to Ankara’s reluctance to lend credibility to the Greek Cypriot thesis that Vassilou was the president of Cyprus rather than only the head of the Greek Cypriot community.⁶²

Özal did agree to meet with Greek Prime Minister Papandreou in Davos, Switzerland on January 30, 1988 in an effort to relax tensions between the two communities in Cyprus. The Davos Summit symbolized a radical change in Papandreou’s foreign policy. Before, Papandreou had considered the Cyprus dispute to be a result of Turkey’s invasion and thus refused to participate in negotiations; in Davos, he agreed to discuss with Turkey their dispute over the Aegean continental shelf as well as the Cyprus issue.⁶³ Vassiliou stated that Özal sincerely wanted to solve the Cyprus question immediately in order to bypass the pressures over Turkey, and Vassilou identified his death as a second major turning point in Cyprus history after the death of Makarios in 1977.⁶⁴

Özal’s government had aimed to establish a liberal economic system in Turkey in order to integrate the Turkish economy with the international capitalist system. Achieving this objective would require a more active foreign policy,

⁶¹ *Ibid*, p. 8.

⁶² Bölükbaşı, *op cit.*, p. 424.

⁶³ *Ibid*, p. 424.

⁶⁴ George Vassiliou, personal interview, July 25, 2007

which in turn necessitated a better framework, i.e., the removal of the criticism that Turkey faced at every international platform. Solving the long-lasting Cyprus Question thus became an important priority for the Özal Government. A resolution on Cyprus would eliminate one of the significant sources of criticism leveled against Turkey, thus allowing it to promote the more active foreign policy it desired. In addition to the government, Turkish business circles, specifically, the Turkish Industrialists' and Businessmen's Association, (TUSIAD), also advocated a solution on Cyprus for the sake of being able to implement liberal economic policies in Turkey. "Give and Be Saved" ("*ver-kurtul*") became an important motto of the period, indicating a transformation within business circles in their attitudes towards Cyprus, which up until this period had been viewed as a national issue.⁶⁵ Cyprus had now become an important aspect with regard to Turkey's integration into the international capitalist system.

After Davos meeting, Vassilou agreed to conduct negotiations with Denktaş in Nicosia, with Oscar Camillon and Gustave Feissel, representatives of U.N. Secretary-General Jose De Cuellar, hosting the sessions.

The Turkish and Greek Cypriot leaders met more than 40 times in Nicosia under the auspices of the United Nations. In July 1989, de Cuellar presented his ideas for a settlement, which comprised the creation of a new, common home for the two communities, whose relationship would not be that of majority and minority, but rather of political equals.⁶⁶ There would be a new constitution, which would set up a single, bi-zonal and bi-communal federal Cyprus. The new state would have a single international personality and citizenship, but it would embody the political equality of the two communities, and the single sovereignty of the federal state would emanate equally from these two communities.⁶⁷ Negotiations on the basis of the secretary-general's ideas continued into 1990 and culminated with a summit in March of that year.

⁶⁵ For details of this period, see, İlhan Uzgel, *Ulusal Çıkar ve Dış Politika*, (Ankara: İmge Yayınları, 2004).

⁶⁶ Nathalie Tocci and Tamara Kovaridze, "Cyprus", in *Europeanization and Secessionist Conflicts: Concepts and Theories*, 2002, <http://www.ecmi.de/jemie/download/1-2004Chapter1.pdf>, accessed on 15 July 2007. p. 14.

⁶⁷ *Ibid*, p. 15.

Security Council Resolution 649, passed on March 12, provided official UN endorsement of the ongoing negotiations. The resolution called for an agreement to be negotiated on an equal footing by the two parties based on the Secretary-General's ideas and asked the parties to refrain from any action that might aggravate the situation.⁶⁸ Nevertheless, Vassilou categorically rejected Denktaş's assertion that Cyprus was home to two distinct populations, each of whom enjoyed the right to self-determination,⁶⁹ arguing instead that the Turkish Cypriots were only a community and hence did not enjoy the right to self-determination.⁷⁰ Ultimately, the series of talks ended in failure.

It is possible that the failure of the March 1990 summit and Denktaş's re-election as president of the TRNC in May 1990 led, at least in part, to Vassilou's unilateral application to the European Union (EU) on behalf of the Republic of Cyprus. These were the minor reasons justifying the application. However, Vassilou had the idea of applying for the EU membership once he was elected. After his election, on 15 November 1988, he stated that Cyprus intended to apply for membership in the European Community, but he indicated that action was unlikely before 1993.⁷¹ Therefore, the minor reasons for the application only speeded up the process. The motivation of Vassilou was more political rather than economic. The prospect of EU membership might provide a stimulus to a settlement of the Cyprus problem; at least EU will be a new actor in the Cyprus Problem.⁷² On the other hand, membership would provide the Greek Cypriots, if not a security guarantee, a measure of soft security in the form of a protective arm in respect of its relations with Turkey.⁷³ Therefore, it was an attempt to change the direction of the Cyprus negotiations by changing the track from the UN to the EU.

⁶⁸ For the full text of resolution 649 (1990), see Annex 22.

⁶⁹ *S/21183*, 8 March 1990.

⁷⁰ Bölükbaşı, *op cit.*, p. 425.

⁷¹ Paul L. Montgomery, "Cyprus Chief Seeks to Join Europe Bloc", *The New York Times*, 15 November 1988.

⁷² Neill Nugent, "EU Enlargement and the Cyprus Problem", *Journal of Common Market Studies*, Vol. 38, No 1, 2000, p. 136.

⁷³ *Ibid*, p. 136.

They would like to use EU in order to put more pressure over the Turkey, to force Turkey to accept the terms of the Greek Cypriots to establish the unitary state. Needless to say, the Turkish Cypriots reacted harshly to the application, which had been made without consulting Denktaş.

Developments in this period led to a widening of the gap between the Turkish and Greek Cypriots and to redefinitions of their respective hegemonic discourses. The Turkish Cypriot hegemonic discourse was redefined as independence, whereas the Greek Cypriot hegemonic discourse remained that of a unitary state – no longer, however, one that entailed a federal solution. With the application for EU membership, the Greek Cypriot hegemonic discourse aimed to use the EU as leverage to force a settlement on Cyprus according to their own national interests. The Greeks as well wanted to use the European Union's institutional capacity to exert more pressure over Turkey and force it Turkey to accept the terms of the Greek Cypriots. All this had a negative impact on the Cyprus problem, with the Turkish and Greek Cypriots losing any common ground they had shared, and the gap in their discourses deepening to such an extent that settlement of the problem would become impossible.

CHAPTER 6

CONSOLIDATION OF THE GREEK HEGEMONIC PROJECT AND THE WEAK TURKISH RESPONSE: 1990-1999

This period represents the most significant turning point in the history of the Cyprus problem since the 1974 Turkish military intervention. Up until this point, all diplomatic and mediation efforts conducted since the establishment of the “Republic of Cyprus” had been under the auspices of the United Nations. However, with the Greek Cypriot application on July 4, 1990 for full European Union membership, a new actor entered the stage. UN influence began to wane as the EU as a collective actor gradually became an integral element of the dynamics of the conflict, which was further complicated by EU-Turkish relations and the involvement of EU-member Greece.

EU involvement had a deep impact on the Turkish-Greek balance of power in terms of the Cyprus problem, changing the positions of guarantor powers Turkey and Greece. Cyprus became an important EU foreign policy issue and an element of conditionality, not only for Turkey’s EU membership, but for the EU enlargement process overall, as Greece used its veto power as political leverage to pressure Turkey into giving concessions on the Cyprus problem. In other words, the EU became Greece’s tool for achieving its goals on Cyprus.

Cyprus’s accession process affected the incentives and the bargaining positions of both the Turkish and the Greek Cypriots; however, it did not meet the professed goals of member-states, the Commission or the Greek Cypriot Government, i.e., a pre-accession solution to the Cyprus problem that would allow a unitary Cyprus to enter the European Union. On the contrary, as a result of EU conditions, as well as the manner in which these conditions were presented, the 1990s witnessed a hardening of positions, especially on the part of the Turkish

Cypriots, that would have unintended effects up until late 2001. Nationalist tendencies increased to legitimize the tougher positions of the Turkish and Greek Cypriots. The Turkish Cypriots, who supported UN mediation efforts against EU involvement in the Cyprus problem, advanced their hegemonic discourse from federation to confederation as of 1998 in response to Greek Cypriot attempts to consolidate their own hegemonic discourse to achieve the goal of a unitary state by undermining UN efforts and stressing EU involvement. These fundamental changes in the Turkish Cypriot and Greek Cypriot hegemonic discourses led to corresponding adaptations in the hegemonic discourses of Turkey and Greece as well.

6.1 New Greek Cypriot Hegemonic Project with a New Instrument: Application for EU Membership: 1990-1993

Despite numerous rounds of negotiations under UN auspices, reaching a political settlement on the island proved impossible. From the late 1980s onwards, the United Nations engaged in its most active effort up until that point; however, 1986 talks between Kyprianou and Denktaş for a Draft Framework Agreement failed, as did three rounds of talks between Denktaş and Kyprianou's successor, the newly elected Greek Cypriot leader George Vassiliou, that took place between September 1988 and February 1990. The March 1990 summit that followed these talks also ended without a settlement, as Denktaş demanded the right of self-determination for the Turkish Cypriots – a demand that was categorically rejected by Vassiliou, who argued that the Turkish Cypriots were only a community and hence could not enjoy the right to self-determination.¹ Vassiliou, on the other hand, argued that Denktaş never negotiated substantial issues with him, and he is blaming Denktaş that Denktaş never was in favor of any type of solution.²

¹ Süha Bölükbaşı, "The Cyprus Dispute and the United Nations: Peaceful Non-Settlement between 1954 and 1996", *International Journal of Middle East Studies*, Vol. 30, No. 3, 1998, p. 425.

² George Vassiliou, personal interview, July 25, 2007.

The failure of the summit and Denktaş's re-election as TRNC president in May 1990 were viewed as the main reasons behind Vassiliou's³ application for EU membership without consulting Denktaş. In fact, however, Vassiliou had declared his intentions of applying for EU membership upon his election as Greek Cypriot president, although he had stated that this application was unlikely to occur before 1993.⁴ "We do not want to submit an application just for the sake of submitting it," he had stated, adding, "We will wait until the time is ripe."⁵ The time came earlier than expected, when the failure of the March 1990 summit provided Vassiliou with the excuse he needed to launch his EU application. The Turkish Cypriots reacted harshly: in addition to condemning the application, in writing, to the EU presidency, the border crossing between the north and south of the island, which had been closed to all but diplomatic missions, was now closed to EU and UN officials as well.⁶ The Turkish Cypriot leadership argued that the Greek Cypriot EU application was illegitimate because in making it, the Greek Cypriot government was falsely claiming to represent the Turkish Cypriots, who in fact considered this unilateral application as proof that the Greek Cypriots considered them to be nothing more than a minority that would have to abide by the wishes of the majority of the population.⁷ In September 1990, the EU Council called the Commission to express its opinion on the application, becoming an additional player in the Cyprus problem.

Despite the failure of the March 1990 summit and the "Republic of Cyprus's" EU application, intense U.N. Mediation efforts continued throughout 1990-1993. Nearly a year of deadlock was broken by Turkish President Turgut

³ For the ideas of Vassiliou, see, George Vassiliou, "Cypriot Accession to the EU and the Solution to the Cyprus Problem", *Brown Journal of World Affairs*, 2003, Vol. 10, No. 1, pp. 213-221; and, George Vassiliou, "EU Entry Could help to Solve the Cyprus Problem", *European Affairs*, 2001, Vol. 2, No. 4;

⁴ Paul L. Montgomery, "Cyprus Chief Seeks to Join Europe Bloc", *The New York Times*, 15 November 1988.

⁵ *Ibid.*

⁶ Nathalie Tocci, *EU Accession Dynamics and Conflict Resolution: Catalyzing Peace or Consolidating Partition in Cyprus?*, (Hampshire: Ashgate, 2004), p. 66.

⁷ Bölükbaşı, *op cit.*, p. 425.

Özal's May 29, 1991 proposal for quadripartite talks among Greece, Turkey, the Turkish Cypriots and the Greek Cypriots.⁸ Believing that both the Turkish and Greek Cypriots would make concessions if all the parties were brought together, Özal was motivated primarily by his desire to repair relations with the EU and resist the latest Greek and Greek Cypriot attempts to internationalize the Cyprus problem,⁹ which had been made an important condition within the framework of Turkey's EU-membership negotiations.

In October 1991, U.N. Security Council Resolution 716 reaffirmed the principle of a unitary Cyprus based on the political equality of the communities,¹⁰ which would be reflected in both the negotiation process and the framework for a future solution. On December 19, 1991, U.N. Secretary General Boutros Boutros-Ghali stated, "The framework of a settlement has become clear... Sovereignty will be equally shared but indivisible; the solution would be based on a new constitutional arrangement which would be negotiated on an equal footing and approved through separate referenda."¹¹ Boutros-Ghali's statement showed that the United Nations' definition of federalism, which it had established as the basis of a future settlement, was similar to the Greek Cypriots' definition, which was based on territorial integrity and indivisible sovereignty. After visiting Greece, Cyprus and Turkey, Boutros-Ghali was convinced that Özal was willing and able to force Denktaş to make concessions and accept the return of a significant number of Greek Cypriot refugees to the north.¹² Thus, in early 1992, the U.N. secretary-general immediately picked up the Cyprus question and identified a new U.N. proposal for settlement, which became known as the "Set of Ideas," and the U.N. Security Council adopted Resolution 750, stating it was prepared to give its full and direct support to all of the secretary-general's efforts.¹³

⁸ *Milliyet*, 30 May 1991, p. 13.

⁹ Bölükbaşı, *op cit.*, p. 426.

¹⁰ For the full text of Resolution 716 (1991), See Annex 23.

¹¹ Report of the Secretary-General to the UN Security Council (S/23300, 19.12.1991), paragraph 6.

¹² Bölükbaşı, *op cit.*, p. 426.

¹³ For the full text of Resolution 750 (1992), See Annex 24.

On August 21, 1992, the secretary-general presented to the Security Council his report, including a map that delineated proposed territorial adjustments along with the Set of Ideas.¹⁴ Comprised of 100 paragraphs, the Set of Ideas was the most detailed plan to have ever been put forward on the Cyprus problem. It outlined earlier U.N. proposals for a bi-zonal and bi-communal federation that had themselves drawn upon ideas contained in earlier high-level agreements as well as the 1960 accords. Accordingly, Cyprus would be the common home of two politically equal communities. This principle was formalized in the statements, “One community cannot claim sovereignty over the other community,”¹⁵ and, “The federal government cannot encroach upon the powers and functions of the two federated states.”¹⁶ The federation would have a single international personality, citizenship and sovereignty; however, sovereignty would emanate equally from the two communities, with each community administering its own federated state in accordance with its own constitution. At the central level would be a president and a vice-president, one from each community. A federal council with a 7:3 communal ratio would take decisions by majority vote, and a bicameral legislature would be created, with a 70:30 ratio in the lower chamber and a 50:50 ratio in the upper chamber. Decisions in the realms of foreign affairs and defense, security, budget, taxation, immigration and citizenship would require parliamentary approval by separate majorities of both communities in both houses.

The Set of Ideas entrusted the central government with considerable power over foreign policy, defense, policing, customs, trade, monetary policy, citizenship and immigration as well as standards on public health, the environment, the preservation of natural resources and weights and measures. The center would also be responsible for air and sea ports, communications, patents and trademarks. Remaining areas such as transport, industry, R&D, tourism, agriculture, education and culture would be sub-state competencies. The federated states would also be responsible for security and law and order within their territories through separate

¹⁴ S/24472, and for the map see Annex 25.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

police forces and judiciaries. The central government and the federated states would have separate budgets and powers of taxation.

With regard to the right of return and the liberalization of the three freedoms, the Set of Ideas proposed the free exercise of freedom of movement, whereas other rights and freedoms could be restricted by certain conditions. Specifically, a set of conditions would govern Greek Cypriot return to or settlement in northern Cyprus as a means of ensuring that each community had a clear majority of the population and land ownership in its own federated state. Displaced persons who did not wish to or who could not return to their former properties would be adequately compensated. Individuals affected by territorial adjustments – the map envisaged along with the Set of Ideas reduced the Turkish Cypriot zone to approximately 28 percent of the total territory of Cyprus – could choose to remain in their home or be relocated to the Turkish Cypriot federated state. Concerning security, the Set of Ideas included demilitarization as a long-term objective; in the meantime, there would be a numerical balance between Turkish and Turkish Cypriot troops and equipment on the one hand and Greek and Greek Cypriot troops and equipment on the other. Finally, the Treaties of Guarantee and Alliance would remain in force.

In October 1992, the Turkish and the Greek Cypriot leaders came together in New York to discuss the Set of Ideas. Considering that the Set of Ideas had been prepared following many years of extensive study and consultation between U.N. Representatives and leaders of both communities on Cyprus, Boutros-Ghali expected it to receive Denktaş and Vassiliou's full and unconditional endorsements, thereby leading to a comprehensive, overall agreement.¹⁷ However, despite Greek Cypriot agreement on the Set of Ideas as a basis for negotiation and the Turkish Cypriot endorsement of 91 out of the 100 points in the documents, the talks ended in November 1992 with the secretary-general concluding that the peace process was suffering from a deep crisis of confidence between the parties.¹⁸

¹⁷ Ahmet Sözen, "The Cyprus Negotiations: From the 1963 Inter-Communal Negotiations to the Annan Plan," paper prepared for the Sixth Global Leadership Forum, 24-27 June 2004, p. 11.

¹⁸ Nathalie Tocci and Tamara Kovaridze, "Cyprus", in *Europeanization and Secessionist Conflicts: Concepts and Theories*, 2002, <http://www.ecmi.de/jemie/download/1-2004Chapter1.pdf>, accessed on 15 July 2007, p. 17.

Boutrous-Ghali accused Denktaş of wanting to renegotiate even those issues that had been previously agreed, criticized his rejection of proposed solutions to the property rights issue by referring to practical difficulties and condemned Denktaş's unwillingness to accept or even discuss the map submitted with the Set of Ideas. Denktaş demanded a weak central government with strong, partial sovereignty in the sub-states and representative parity in the council of ministers,¹⁹ whereas Vassiliou stated that the Greek Cypriots accepted the Set of Ideas and map as the basis for reaching an overall framework agreement – but subject to improvements that would benefit both communities. In other words, both sides indicated that the Set of Ideas could not be accepted unconditionally, and each side's condition was completely at odds with the conditions of the other side.

The United Nations put immense pressure on both the Turkish Cypriot and Greek Cypriot leaders to force them to accept the agreements; however, Boutrous-Ghali made the fatal mistake of allowing the two leaders to return to Cyprus for further consultations. As soon as they escaped from U.N. pressure, they changed their views and rejected the proposals. Once more, direct talks revealed the differences between the Turkish and the Greek Cypriots. No further direct talks would be held until 1997.

One of the most significant outcomes of these talks was that for the first time, a U.N. secretary-general had explicitly acknowledged the existence of the deep lack of trust between the two communities on Cyprus. In his November 19, 1992 report to the Security Council, Boutrous-Ghali wrote:

It appears from the recent joint meetings that there is a deep crisis of confidence between the two sides. It is difficult to envisage any successful outcome to the talks for as long as this situation prevails. There can be no doubt that the prospects for progress would be greatly enhanced if a number of confidence building measures were adopted by each side. The purpose of such measures, taken in good faith by each side, would be to advance the goal of the forthcoming joint meetings that is to conclude an overall agreement on the basis endorsed by the Security Council.²⁰

¹⁹ Peter A. Zervakis, "Cyprus in Europe: Solving the Cyprus Problem by Europeanizing it?", *The Quarterly Journal*, Vol. 3, No. 1, 2004, p. 114.

²⁰ S/ 24830, 19 November 1992.

Resolving this deep crisis of confidence between the two sides before an overall agreement was reached was expected to increase the likelihood of the agreement's long-term viability.²¹

On November 24, 1992, the U.N. Secretary-General presented the following "Confidence Building Measures" (CBM) for the two communities to the Security Council:²²

- Expert cooperation on the short-term and long-term water problem in Cyprus, in particular, increasing water supplies;
- Expert cooperation on education, in particular, promotion of inter-communal harmony and friendship;
- Joint cultural and sporting events, including the joint use of the Çetinkaya field in the Buffer Zone near the Ledra Palace Hotel;
- Meeting of political party leaders from both sides;
- Journalists of both sides may cross the lines by only showing their press ID cards issued by the United Nations. Open joint journalist meeting room at the Ledra Palace Hotel;
- Meeting of the Chambers of Commerce and Industry of both sides to identify and develop joint commercial projects;
- International assistance benefits the two communities in an equitable manner;
- Expert cooperation in areas such as health and environment;
- Cooperative arrangements on electricity, taking into account the forthcoming operation of an electric generator in the north;
- Inter-communal cooperation in Pyla, including the free movements of goods in the same manner as agreed in Varosha;
- Cooperation between Representatives of the Greek Cypriot and Turkish Cypriot communities of the Nicosia-controlled buffer zone where the two sides are in close proximity to each other

²¹ Dinko Dinkov and Stoyan Stoyanov, "The Cyprus Problem: International Politics Simulation," *Managerial Law*, No. 3/4, 2005, p. 180.

²² S/26026, 24 November 1992.

- Varosha (opening of the fenced section of Varosha under U.N. administration for bilateral contact and commerce, a kind of free zone in which both sides could trade goods and services).
- Nicosia Airport (opening of the airport under U.N. administration for civilian passenger and cargo traffic);
- Cooperation with United Nations Force in Cyprus UNFICYP in extending the Decommissioning agreement of 1989 to cover all areas of the U.N.-controlled buffer zone where the two sides are in close proximity to each other; and
- Periodic meetings between representatives of the two communities to propose additional confidence-building measures for implementation by both sides.

The secretary-general believed that these measures would benefit both communities.

Prominent among them were Greek Cypriot resettlement in Varosha, which would become an inter-communal, tax-free trade area under U.N. administration, together with the re-opening of the Nicosia international airport. Boutros-Ghali believed these measures represented a means of overcoming the economic blockade imposed against the Turkish Cypriots²³ as well as a solution to a major part of the refugee issue for the Greek Cypriots.²⁴

Once endorsed by the Security Council, the leaders of the two communities came together to discuss the confidence-building measures in May 1993 in New York, with subsequent shuttle diplomacy continuing under U.N. auspices. Unsurprisingly, both the Turkish and Greek Cypriot leaderships reacted according to their national interests. The Turkish Cypriots insisted on the formal lifting of the Greek Cypriot-imposed economic embargo on the Turkish Cypriot seaports of Famagusta and Kyrenia and on Ercan Airport as a pre-condition,²⁵ whereas the Greek Cypriots feared that accepting the package offered would amount to recognition of a separate Turkish Cypriot state. Other practical difficulties

²³ After 1974, economic isolation were put on the Turkish Cypriots.

²⁴ Bölükbaşı, *op cit.*, p. 428. Also see, Latife Birgen, *The Cyprus Problem Notes to History*, (Nicosia: Rüstem, 2007).

²⁵ Cumhuriyet 20 May 1993.

emerged, as Bölükbaşı has mentioned, including: a) whether or not the Greek Cypriots would permit Turkish Cypriot Airlines to use the Nicosia airport, even with Boutrous-Ghali's assurances; b) whether or not Turkish Cypriot passports issued by the TRNC would be accepted at Nicosia airport; c) whose laws and courts would have jurisdiction and whose currency would circulate in the Varosha area until final settlement; and d) whether or not the access road linking Varosha to the Greek Cypriot zone would remain under Turkish control.²⁶ Vassiliou's replacement by the hard-liner Clerides²⁷, to whom he had lost the elections solely due to his acceptance of the Set of Ideas, was another factor in the failure of the talks. Basically, even though the confidence-building measures consisted primarily of humanitarian and socio-economic measures intended to establish trust between the two communities, neither wanted to make any concessions to the other. The opposing hegemonic discourses of the two sides prevent any progress from taking place, and as a result, like other U.N.-sponsored mediation efforts²⁸ before them, these talks proved futile, leading only to a widening mistrust between the two communities.

The European Union's reaction to the "Republic of Cyprus's" application for EU membership also had a great impact on the direct talks. On June 30, 1993, the E.U. Commission published its decision to accept the "Republic of Cyprus's" application on behalf of the entire island, assuming that a settlement would be reached before accession negotiations and, ultimately, membership. The Commission's decision led the Greek Cypriots to believe that the EU track provided the necessary conditions for achieving their national interests and thus they behaved reluctantly during the direct talks.

A close look at the EU's involvement in Cyprus requires a step back to the 1960s, when two of the guarantor powers became associate members of the European Economic Community (EEC) – Greece in 1962 and Turkey in 1963 –

²⁶ Bölükbaşı, *op cit.*, p. 428, and also see S/1994/262, 4 March 1994.

²⁷ Glafcos Clerides, "Impediments to the Solution of the Cyprus Solution", *Seton Hall Journal of Diplomacy and International Relations*, Fall 2000, pp. 15-19.

²⁸ See, Raymond Saner and Lichia Yiu, "External Stakeholder Impacts on Third-Party Interventions in Resolving Malignant Conflicts: The Case of a Failed Third-Party Intervention in Cyprus", *International Negotiation*, 2001, Vol. 6, pp. 387-416.

and the third guarantor power, the United Kingdom, applied for full membership in 1961. With the British application, the EEC was receptive towards Cyprus in the 1960s, motivated by the wish to sustain colonial ties by meeting the demands of former colonies as well as its own strategic interest in having a greater presence in the Eastern Mediterranean. Cyprus's size would not cause any major problem in terms of incorporation into the EEC, and thus, along with the British application, Cyprus was also offered full membership in 1962 as a means of materializing its strategic interest in the Eastern Mediterranean; however, this offer was rescinded when British membership was rejected by the French. As John Redmond has argued, "an association agreement with Cyprus, like the ones with Greece and Turkey, would have been strategically useful and would give a certain evenhandedness and coherence to [the ECs] Eastern Mediterranean policy."²⁹

The second round of European involvement in Cyprus came in the 1970s with British accession to the EC in 1971. During the EC-UK negotiations, the Cypriot government decided it would prefer association status rather than full membership. This decision was due, in part, to the Greek Cypriot desire to protect Cyprus's position in the Non-Aligned Movement in the diplomatic community and the U.N. General Assembly.³⁰ In 1973, an Association Agreement was finalized between Cyprus and the EC that extended trade privileges to both communities. Article 5 of the Association Agreement stated that "the rules governing trade between the contracting parties may not give rise to any discrimination between the member states or between nationals or companies of these states or nationals and companies of Cyprus".³¹ Although the EEC intended to maintain equality between the two communities, recognizing the "Republic of Cyprus", which was Greek, as the only official government in Cyprus contributed to the impoverishment of the Turkish Cypriots and the legitimization of Greek Cypriot

²⁹ John Redmond, "From Association towards the Application for Full Membership: Cyprus Relation's with the European Union", in *Cyprus and the European Union: New Chances for Solving and Old Conflict?* Ed. By H. J. Axt and H. Brey, (München: Südosteuropa-Gesellschaft, 1998), p. 91.

³⁰ Meltem Müftüleri Bac and Aylin Güney, "The European Union and the Cyprus Problem 1961-2003," *Middle Eastern Studies*, Vol. 41, No. 2, 2005, p. 283.

³¹ For the full text of Association Agreement see Annex 26.

claims to sovereign rights over the whole of island.³² Thus, despite the fact that the Association Agreement between the “Republic of Cyprus” and the EEC held the potential to bring the sides together around common economic interests, it unexpectedly exacerbated the situation, both economically and politically.

Cyprus first became an important internal matter for the EU in 1981 when Greece became an EU-member, providing the Greek government the opportunity to use the European Union as an institution to solve the Cyprus problem in line with Greek interests. EU membership allowed Greece to both prevent the recognition of Turkish Cypriots inside the EU economic framework and link all new developments between Turkey and the EU to the resolution of the Cyprus problem.³³ Pursuing closer relations with the EU, the “Republic of Cyprus” signed a Customs Union Agreement in 1987, which became effective as of January 1, 1988.³⁴

A major turning point came on July 3, 1990 when the Greek Cypriots applied for EU membership on behalf of the entire island without consulting the Turkish Cypriots. Needless to say, the Turkish Cypriots reacted strongly to this unilateral application, arguing that it was in violation of both the 1960 Constitution (Article 50) and the Treaty of Guarantee and therefore illegal. The Greeks and Greek Cypriots were motivated by the belief that Cyprus’s accession to the EU would serve as a catalyst for the unification of the island, and they validated their arguments by stating that Denktaş was not interested in a federal solution to the problem.³⁵ The Greek Cypriot application was more political than economic; not only did they calculate on the prospect of EU membership providing a stimulus to a settlement of the Cyprus problem, they also viewed membership as a means of providing the Greek part of the island a measure of soft security in the form of a

³² Meltem Müftüler Bac and Aylin Güney, *op cit.*, p. 284.

³³ *Ibid*, p. 285.

³⁴ Andreas Theophanous, “Prospects for Solving the Cyprus Problem and the Role of the European Union”, *Publius: The Journal of Federalism*, Vol. 30, No.1/2, 2000, p. 222. Also, see, Andreas Theophanous, “Cyprus, the European Union and the Search for a New Constitution”, *Journal of Southern Europe and the Balkans*, 2000, Vol. 2, No.2, pp. 213-233.

³⁵ George Vassiliou, “EU Enlargement: Implications for Europe, Cyprus and the Eastern Mediterranean”, *Mediterranean Quarterly*, 2002, p. 16.

protective European arm with respect of its relations with Turkey.³⁶ Furthermore, applying on behalf of the entire island is evidence of a conscious claim on the part of the Greek Cypriots to sovereignty and jurisdiction over the northern part of the island;³⁷ applying the southern Cyprus only would mean that the partition of Cyprus would become permanent. Clearly, this policy was carefully designed to serve the Greek Cypriot hegemonic project of achieving a unitary state. According to Neill Nugent, the Greek Cypriot policy emphasized three main points: a) the government of the “Republic of Cyprus” was the sole legitimate authority on the island through which all negotiations should be conducted; b) permitting an illegal government like the TRNC hold both Cyprus and the European Union hostage was completely illogical; and c) the government of the “Republic of Cyprus” was doing everything within its power to adjust to the EU acquis and be ready for membership as soon as the EU set an accession date.³⁸

Over the course of 1992, an EU consensus emerged concerning Cyprus’ application, and on June 30, 1993, the official Commission Opinion was formalized, as follows:

The Commission feels that a positive signal should be sent to the authorities and the people of Cyprus confirming that the Community considers Cyprus as eligible for membership and that as soon as the prospect of a settlement is surer, the Community is ready to start the process with Cyprus that should eventually lead to its accession.”³⁹

This seemed to provide a positive incentive for both sides of the conflict to resolve their differences. Furthermore, the Commission stated that it did not envisage major economic obstacles to the island’s accession, despite the socio-economic disparities between north and south. However, settlement was made a condition for full membership. This had already been made clear by the June 1992 European Council in Lisbon, which explicitly stated its position on a settlement,

³⁶ Neill Nugent, “EU Enlargement and the Cyprus Problem”, *Journal of Common Market Studies*, Vol. 38, No. 1, 2000, Vol. 13, No. 2, p. 136.

³⁷ *Ibid*, p. 136.

³⁸ *Ibid*, p. 137.

³⁹ Commission of the European Communities, Commission Opinion on the Application by the Republic of Cyprus Membership, Com(93) 313 Final, 30 June 1993, paragraph 48.

unequivocally stating, “In the case of Cyprus, there is inevitably a link between the question of accession and the problem which results from the *de facto* separation of the island into two entities,”⁴⁰ adding, “Cyprus integration with the community implies a peaceful, balanced and lasting settlement of the Cyprus Question.”⁴¹ The basis for such explicit conditionality lay in the *acquis communautaire*, which made settlement a *sine qua non* for Cyprus to “participate normally in the decision making process of the EC... and ensure ... the correct application of the Community law throughout the island.”⁴² The *acquis* thus served as a technical shield, behind which hid the underlying political reservations of several EU member-states about accession of Cyprus as a divided island.⁴³ While stating its readiness to use “all the instruments available under the Association Agreement to contribute, in close cooperation with the Cypriot government, to the economic, social and political transition of Cyprus towards integration with the Community,”⁴⁴ the Commission Opinion added that in the event that communal talks failed to produce a settlement, the Commission would reassess the situation in light of the positions adopted by each party in the talks, and the question of accession would be reconsidered in January 1995.⁴⁵ This represented a safeguard for the Commission, which worried that unqualified conditionality⁴⁶ would reduce Turkish incentives to compromise. The Commission Opinion may thus be considered a tool for pressuring the Turkish Cypriots, whom the EU considered a major obstacle to settlement, to continue with inter-communal talks and make the

⁴⁰ *European Council Presidency Conclusions*, on 24-26 June 1992 in Lisbon, paragraph 30.

⁴¹ Commission of the European Communities, Commission Opinion on the Application by the Republic of Cyprus Membership, Com(93) 313 Final, 30 June 1993, paragraph 47.

⁴² Commission of the European Communities, Commission Opinion on the Application by the Republic of Cyprus Membership, Com(93) 313 Final, 30 June 1993, paragraph 47.

⁴³ Tocci, *op cit.* 2004., p. 68.

⁴⁴ Commission of the European Communities, Commission Opinion on the Application by the Republic of Cyprus Membership, Com(93) 313 Final, 30 June 1993, paragraph 51.

⁴⁵ Commission of the European Communities, Commission Opinion on the Application by the Republic of Cyprus Membership, Com(93) 313 Final, 30 June 1993, paragraph 51.

⁴⁶ For Conditionality, see, Jolanda Van Westering, “Conditionality and EU Membership: The Cases of Turkey and Cyprus”, *European Foreign Affairs Review*, 2000, Vol. 5, pp. 95-118.

necessary concessions for a solution. In this manner, Turkish Cypriot intransigence could open the way for accession of a divided Cyprus.

Developments in this period led to the consolidation of the Greek Cypriot hegemonic discourse, which the Greek Cypriots materialized with their application to the EU membership, thereby securing EU involvement and transforming the Cyprus problem into an internal problem for the European Union. The Greek Cypriots hoped that Greece, as an EU member, would provide support from within; thus, EU membership emerged as an important tool by which the Greek Cypriots hoped to achieve a unitary state. However, this policy led to a hardening of the position of the Turkish Cypriots and their adaptation of a hegemonic discourse that placed more emphasis on confederation. The natural outcome of these two competing hegemonic projects was an increase in the nationalistic tendencies within the two communities and further consolidation of positions to the point that precluded the possibility of finding a solution to the Cyprus problem.

6.2 Consolidation of the Greek Cypriot Hegemonic Project: 1994-1997

As the European Union began to take on a more integral role in the Cyprus problem, the United Nations began to lose its authority, particularly after 1994. Although U.N. special representatives continued to talk separately with the Turkish Cypriot and Greek Cypriot leaderships from 1994 until mid-1997, there was no summit meeting during this period. Both sides were reluctant to embark on any new initiatives since they had no intention of making concessions on any of the relevant issues. Clerides adopted a hard-line approach from the outset, and the secretary-general found it very difficult to impose a settlement on two very reluctant parties, whose cooperation was essential for the construction of a viable, functioning federation. The Turkish Cypriots rejected the proposals because they believed that would lead to the Hellenization of the island and the transformation of their own status into that of a minority.⁴⁷ The Turkish Cypriots believed that the Greek Cypriot goal of enosis was still valid and that their unilateral EU membership application was a tool for achieving this goal. The Greek Cypriots

⁴⁷ Bölükbaşı, *op cit.*, p. 429.

considered the Turkish Cypriot insistence on a loose federation with broad autonomy as an important obstacle in front of the reunification of the island and doubted that the Turkish Cypriots had any intention of agreeing to reunification under any conditions. In line with this assumption, the Greek Cypriots considered Denktaş's demands for conditions to be placed on freedom of settlement in the north, for the Turkish Cypriots' right to self-determination and for veto powers, as well as for Turkey's guarantorship in any new settlement, to be part of his strategy of maintaining as much autonomy as possible.⁴⁸ Clearly, the main obstacles to a settlement were the respective hegemonic discourses of the Turkish and Greek Cypriots, each of which promoted a transformation and hardening in the other.

In the meantime, important EU decisions taken in 1994 and 1995 became major external determinants of developments in the Cyprus problem. On June 24, 1994, under the Greek Presidency, the Corfu European Council decided to include Cyprus and Malta in the next wave of enlargement. While settlement still remained a condition for accession, the clarity of that conditionality in practice began to erode.⁴⁹

The following year, on March 6, 1995, under the French Presidency, the EU Council of Ministers confirmed the "Republic of Cyprus's" suitability for EU membership and the EU's willingness to incorporate Cyprus in the next stage of enlargement, and agreed to start accession negotiations with the "Republic of Cyprus" six months after the conclusion of the 1996 Intergovernmental conference.⁵⁰ In return, Greece removed its veto on the pending Turkey-EU Customs Union⁵¹, allowing Turkey to finally receive the long-awaited \$1.2 billion in aid and European Investment Bank loans accumulated under the existing fourth

⁴⁸ *Ibid*, p. 429.

⁴⁹ Tocci, *op cit.*, p. 68.

⁵⁰ Council of the Ministers of the European Union, General Affairs Council Decision on Cyprus Accession 6.3.1995, Presidency Proposal, on http://kypros.org/CY-EU/eng/07_documents/document002.htm, accessed on 15 July 2007.

⁵¹ For the detailed review of Turkey's Custom Union Agreement, see, Mehmet Ali Birand, *Türkiye'nin Gümrük Birliği Macerası 1959-1996*, (İstanbul: Milliyet Yayınları, 1996). Mert Ersin, "Avupalı Kıbrıs", *Söylem*, 1995, Vol. 1, No. 1, pp. 1-15.

Financial Protocol.⁵² This decision represented an historic compromise in the EU-Cyprus-Turkey triangle of relations.

In June 1995, the EC-Cyprus Association Council adopted a common resolution for the establishment of structured dialogue between the EU and the “Republic of Cyprus” and a roadmap for accession negotiations. The Association Council stated that the European Union aimed to benefit both communities on the island and contribute to peace and reconciliation through the “Republic of Cyprus’s” EU membership.⁵³ The resolution came about as a result of Athens’s February 9, 1995 declaration that it would veto the release of funds to Turkey and block the EU’s eastward enlargement unless an acceptable date was given for the start of accession negotiations with Cyprus.⁵⁴ Moreover, EU actors did little to make accession conditional upon internal developments in South Cyprus, where the Greek Cypriot’s had, by 1994, developed a strong desire for accession, which began to hinge less and less on progress in terms of a settlement.⁵⁵ Although Greece’s influence within the EU was able to tilt the balance of power in favor of the Greek Cypriots, this triggered a negative response from the Turkish Cypriots and Turkey, further hampering the peace process.

The period immediately before and after the Commission Opinion of June 1993 was marked by a more assertive nationalism in the policies of both the “Republic of Cyprus” and Greece that were triggered by the domestic changes in Nicosia and Athens,⁵⁶ first and foremost of which was the election of Clerides as Greek Cypriot president. Clerides’s campaign had been based on the nationalist agenda of purging the Set of Ideas of their negative elements and upgrading the Greek Cypriot defense policy. Clerides opposed the Turkish Cypriot proposal for a loose federation. Following his election, he announced an increase in defense

⁵² Tocci, *op cit* 2004, p. 69.

⁵³ Doğa Ulaş Eralp and Nimer Beriker, “Assessing the Conflict Resolution Potential of the EU: The Cyprus Conflict and Accession Negotiations”, *Security Dialogue*, Vol. 36, No. 2, 2005, p. 182.

⁵⁴ Bac and Güney, *op cit.*, p. 287.

⁵⁵ Tocci, *op cit.* 2004, p. 69.

⁵⁶ *Ibid*, p. 69.

spending to seven percent of the “Republic of Cyprus” GNP in order to increase defense capabilities. These changes were supported by the government in Athens, where Andreas Papandreou had returned to power. Papandreou strengthened Greece’s ties with the “Republic of Cyprus”, especially in the area of defense, signing a “Joint Defense Doctrine” that placed the “Republic of Cyprus” under Greece’s defense umbrella. The declared aims of upgrading defense capabilities were to deter Turkish aggression, redirect international attention towards Cyprus and induce Turkey to review its own foreign policy.⁵⁷

Moreover, as he had done in the early 1980s, Papandreou once more tried to internationalize the Cyprus problem. Both the Greek and Greek Cypriot governments began to exert more pressure in European legal forums for the condemnation of Turkish and Turkish Cypriot actions. The resulting court cases had a profound negative impact on the conflict and future peace efforts.⁵⁸ The first test case was that of Titina Loizidou, a Greek Cypriot who was stopped by Turkish police in March 1989 as she attempted to cross the Green Line to reach her property in Kyrenia. In July 1989, Loizidou independently applied to the European Court of Human Rights (ECHR), which dismissed her case as unfounded.⁵⁹ However, in November 1993, the Loizidou case was refiled at the ECHR, this time with the full support of the government of the “Republic of Cyprus”. Through this organized application to the ECHR, the Greek Cypriot and Greek governments aimed to use international law as an effective tool to discredit the TRNC and increase pressure on Turkey. On December 18, 1996, the ECHR found Turkey guilty of violating the European Convention on Human Rights, which guaranteed Loizidou’s peaceful enjoyment of her possessions, and on July 28, 1998, the ECHR demanded Turkey pay Loizidou €800.000 as compensation for denying her the right to enjoy her property in Kyrenia.⁶⁰

⁵⁷ Argyhris Arghyrou, “Norms and Greek Foreign Policy: 1881-2000”, the unpublished PhD Thesis, 2004, Florida State University, p. 188.

⁵⁸ Tocci, *op cit.* 2004, p. 70.

⁵⁹ Judith Hippler Bello, Juliane Kokott, and Beate Rudolf, “Loizidou v. Turkey”, *The American Journal International Law*, Vol. 1990, No. 1, p. 98.

⁶⁰ *Ibid*, p. 100.

Another important court case was the Anastasiou case in the European Court of Justice (ECJ), which ensured that the embargo against the TRNC was implemented throughout the European Union. Up until 1994, despite the international non-recognition of the TRNC, the EU continued to conduct trade with Northern Cyprus based on Article 5 of the 1973 Association Agreement, which was forbid any discrimination between the two communities on the island. In order to facilitate this, up until the end of 1993, TRNC authorities continued to stamp exports with “Republic of Cyprus” rather than “TRNC designation. The Anastasiou case was precipitated by a sudden decision to begin stamping exports as originating in the TRNC. On July 5, 1994 the ECJ ruled in favor of Anastasiou Ltd., effectively banning Cypriot exports that did not bear the “Republic of Cyprus” documentation.⁶¹ The ECJ decision increased the TRNC’s isolation and dependence on Turkey, as seen, for example, in the fall of Turkish Cypriot exports to the European Union from 74 percent to 35 percent in 1996, accompanied by the simultaneous rise in exports to Turkey from 14 percent to 48 percent.⁶²

These important EU decisions directly triggered negative Turkish and Turkish Cypriot reactions. Just after the Corfu Summit in June 1994, the Turkish Cypriot leadership declared its intention of rejecting all Greek Cypriot offers of a federation if the “Republic of Cyprus” began accession negotiations.⁶³ Immediately following the ECJ decision in the Anastasiou case, Denktaş argued that full integration between the TRNC and Turkey was now a matter of economic necessity.⁶⁴ In line with this assertion, Turkey and the TRNC signed their 13th economic protocol, which envisioned a set of harmonization measures and the use of the Turkish Lira as the sole currency in northern Cyprus. Another important turning point was the General Affairs Council decision that established a date for the start of accession negotiations and a road map for structured dialogue between

⁶¹ Stefan Talmon, “The Cyprus Question before the European Court of Justice”, *EJIL*, Vol. 12, No. 4, 2001, p. 736.

⁶² Christopher Brewin, *The European Union and Cyprus*, (Huntingdon: Eothen Press, 2000), p. 198.

⁶³ *Ibid*, p. 71.

⁶⁴ Tocci, *op cit.* 2004, p. 71.

the EU and the “Republic of Cyprus”. This decision differed from the 1995 decision, which, though denied at the time, was brokered as a package deal that included both a Cyprus and Turkey component,⁶⁵ thus partially soothing Turkish sensitivities.

In short, the Greek Cypriots used the EU accession negotiations to consolidate their hegemonic discourse, and the Turkish Cypriots responded by hardening their position and upgrading their own hegemonic discourse to confederation in accordance with this new political conjuncture.

6.3. Redefining the Turkish Hegemonic Project (Confederation and Annexation/Integration) vs. Greek Cypriot EU Negotiations: 1997-1999

The seemingly intractable Cyprus dispute became even more complicated between 1997 to 1999 due to a re-eruption of direct conflict between Greece and Turkey over the Kardak islands in the Aegean, the Greek Cypriot decision to buy S-300 missiles from Russia and increased tension between the Greek Cypriots and worsening EU-Turkish relations following the Luxembourg Summit in December 1997. As a result of this most highly controversial period for the Cyprus-Turkey-Greece triangle, new international diplomatic initiatives were attempted in an effort to reach a settlement that would enable accession negotiations to be launched with a unified Cyprus. In May 1996, the British government appointed David Hannay as the U.K. Special Representative to Cyprus, and in June 1997, the U.S. Administration stepped up its involvement by appointing its own special envoy, Richard Holbrooke. The United Nations also deployed its own resources, in an attempt by Secretary-General Kofi Annan to re-launch the UN-sponsored dialogue that had been stalled since October 1994. Under UN Special Assistant Diego Cordevez, direct talks were held from July 9-13, 1992 in Troutbeck, New York. Again the talks proved futile; the principle sovereignty stemmed from both sides was re-introduced – and rejected by the Greek Cypriots, while the Turkish Cypriots rejected the idea that they could be given “effective” participation in the

⁶⁵ *Ibid*, p. 72.

Federal Government instead of “equal” participation.⁶⁶ When the talks reconvened on August 11-15, 1997 in Glion, Switzerland, the Turkish Cypriots, responding to the EU accession process, demanded negotiations based on two equal, sovereign entities, having revamped their hegemonic discourse to one of confederation. This proved unacceptable to the Greek Cypriots, and again the talks ended in failure.

The year 1997 was a very important turning point in the Cyprus problem. The crisis in relations between the Turkish and the Greek Cypriots worsened severely, and leading to radical changes in the hegemonic discourses of both sides, especially that of the Turkish Cypriots. That year, two important EU decisions were taken, both of which worsened the situation in Cyprus. In addition, internal decisions adopted by the Greek Cypriots had a tremendous negative effect on the Cyprus problem.

The first development came in July 1997 with the EU Commission’s Agenda 2000, developed after the failure of the latest U.N. mediation Agenda 2000 stated that “if progress towards a settlement is not made before the negotiations are due to begin, they should be opened with the government of the “Republic of Cyprus”, as the only authority recognized by international law.”⁶⁷ In other words, settlement was no longer a prerequisite for accession, since the European Union considered the Turkish Cypriots to be responsible for the failure of the diplomatic efforts for a settlement. Agenda 2000 also stated the EU position in favor of a bi-zonal, bi-communal, federal solution. However, rather than the hoped-for positive role in solving the Cyprus problem, EU’s Agenda 2000 simply created another obstacle and led to further entrenchment on the part of the Turkish and the Greek Cypriots. The Greek Cypriots refused to discuss EU-related issues within the framework of ongoing UN talks, referring to the matters as “governmental”.⁶⁸ The Turkish Cypriots responded by withdrawing from the UN

⁶⁶ Clement H. Dodd, “Constitutional Features of the UN Plan for Cyprus and its Antecedents”, *Turkish Studies*, Vol. 6, No. 1, 2005, p. 43.

⁶⁷ European Commission, Agenda 2000, 15 Jul 1997, http://kypros.org/CY-EU/eng/07_documents/document003.htm, accessed on 15 July 2007, for the full text of Agenda 2000 on Cyprus see Annex 27.

⁶⁸ Johann, Pillai, “A Conversation with Mr. Rauf Denktash, President of the Turkish Republic of Northern Cyprus”, *Journal of Cyprus Studies*, Vol. 5, No. 1-2, 1999, p. 11.

negotiations, demanding that recognition of the TRNC by the international community and suspension of EU accession talks with the Greek Cypriots. In a curricular note sent to the embassies of EU member-states on July 30, 1997, the Turkish Cypriots stated:

Opening of accession negotiations between the EU and the Greek Cypriot Administration, as set forth in the Resolution of 6 March 1995 of the EU Council of Ministers, will be a step in changing the parameters already agreed upon by both sides in Cyprus for a comprehensive settlement and as underlined in the Joint Declaration adopted between Turkey and the Turkish Republic of northern Cyprus on January 20, 1997, would force Turkey and the Turkish Cypriot side to revise their approach towards the UN negotiating process.⁶⁹

Thus, not only did Agenda 2000 change Turkish Cypriot and Turkish attitudes towards the UN negotiations, it also changed Turkish Cypriot and Turkish attitudes towards any possible solution to the Cyprus Problem.

The second important development was the EU Luxembourg Summit of December 1997, at which the European Council divided the countries applying for membership into three main categories. Whereas the Greek Cypriots were included in the so-called first wave of enlargement along with 10 Eastern and Central European countries, Turkey was the only applicant country to be denied candidate status,⁷⁰ offered instead a vague “European Strategy” of unclear content. In other words, unlike the 1995 historic compromise which retained an element of balance in the EU’s approach towards Turkey and Cyprus, the Luxembourg Council took a momentous step in relations with Cyprus without an equivalent step in relations with Turkey.⁷¹ The Council decision to open accession negotiations with Cyprus on March 30, 1998, described the pre-accession strategy for Cyprus as follows: 1) participation in certain targeted projects, particularly those with the aim of

⁶⁹ Circular Note Sent To The Embassies of The EU Member States Concerning The Greek Cypriot Application to the EU, 30 June 1997, <http://www.trncinfo.com/TANITMADAIRESI/2002/ENGLISH/DOCUMENTS/14.htm>, accessed on 15 July 2007.

⁷⁰ *European Council*, “Presidency Conclusions, Luxembourg 7-8 December”, Brussels: General Secretariat of the Council, 1999.

⁷¹ Tocci, *op cit.* 2004, p. 72.

boosting judicial and administrative capacity and projects in the field of justice and home affairs; 2) participation in certain Community programs and agencies (in the same approach as that followed with the other applicant states); and 3) use of technical assistance provided by TAIEX, the Technical Assistance Information Exchange Office.⁷² However, the Presidency conclusions did not state that membership could occur before reunification, and if no agreement was reached, accession negotiations could be held up indefinitely.⁷³ With regard to Turkey, Paragraph 35 of the Luxembourg Conclusions stated that Turkey should work for a solution to the Cyprus problem in line with the relevant UN resolutions.⁷⁴ The implication was that Turkey was the actor responsible for the failure to resolve the Cyprus problem to date, whereas the Greek role in its continuation was overlooked. In effect, the Luxembourg Council's decisions removed settlement of the Cyprus Problem as a condition for the "Republic of Cyprus's" EU membership, making it instead a condition for Turkey's EU membership.

The Luxembourg Council's decisions would have a disastrous effect on EU-Turkey relations. Moreover, it can be observed that the hegemonic discourses of the Turkish Cypriots and Turkey were tied to EU decisions and the "Republic of Cyprus" accession process, with Turkey and the TRNC adopting policies that shadowed every step taken by the EU and the "Republic of Cyprus" towards integration. The immediate Turkish Cypriot and Turkish reactions to the Luxembourg Council Conclusions were very harsh. Turkey froze its political dialogue with the EU and, response to the developing integration between the EU and the "Republic of Cyprus", began to take steps towards economic integration with the TRNC.⁷⁵ In fact, this strategy was rooted in the "Joint Declaration" signed between Turkey and the TRNC in December 1995, which was itself a reaction to EU decisions as well as the ongoing Greek Cypriot policy of rearmament.

⁷² European Council, "Presidency Conclusions, Luxembourg 7-8 December", Brussels: General Secretariat of the Council, 1999. Paragraph 22. For the Related articles see, Annex 28.

⁷³ Tocci, *op cit.* 2004, p. 72.

⁷⁴ *Ibid*, Paragraph 35.

⁷⁵ Ann-Sofi Jakobsen Hatay, "The Contribution of European Integration to Ethnic Conflict Resolution: The Cases of Northern Ireland and Cyprus", *Cyprus Review*, Vol. 13, No. 1, 2001, p. 35.

In another Joint Declaration signed in January 1997 by Turkish President Süleyman Demirel and Rauf Denktaş, the two leaders stated that Turkey and the TRNC would emulate every step towards integration taken by the EU and the "Republic of Cyprus",⁷⁶ thus openly declaring their intention to respond to Greek Cypriot-EU initiatives with parallel moves of their own. Moreover, this joint declaration stated that a solution to the Cyprus Problem should be based on respect for the rights of the peoples on the island to establish their own administration of their own free will,⁷⁷ thus pointing towards a solution based on two sovereign entities. An Association Council was established to achieve integration with an agreement signed by the Turkish and Turkish Cypriot leadership on July 30, 1997. According to the agreement,

The Association Council shall determine the measures to be taken with the aim of achieving integration between the two countries in the economic and financial fields and achieving partial integration in matters of security, defense and foreign affairs, on the basis of association, shall recommend the implementation of these measures to their Governments and shall monitor their implementations.⁷⁸

The Agreement provided the framework for partial integration in the fields of economy, finance, foreign affairs, security and defense and for implementation of measures such as the one allowing Turkish Cypriot officials to be included in Turkish Embassies and other official delegations as of January 1998.

When the Greek Cypriots and the EU initiated accession negotiations in March 1998, Turkey promptly established a joint economic zone with the TRNC. In a joint declaration issued on April 23, 1998, Turkey and the TRNC announced that:

The EU has disregarded international law and the 1959-1960 Agreements on Cyprus by deciding to open negotiations with the

⁷⁶ *Resolution by the Turkish Grand National Assembly*, 21 January 1997, <http://www.mfa.gov.tr/MFA/ForeignPolicy/MainIssues/Cyprus/Resolution+By+The+Turkish+Grand+National+Assembly.htm>, for the full text see Annex 29, accessed on 15 July 2007.

⁷⁷ *Ibid.*

⁷⁸ Agreement between the Government of the Republic of Turkey and the Government of the Turkish Republic of Northern Cyprus on the establishment of an Association Council, 20 July 1997, <http://www.mfa.gov.tr/NR/exeres/D921A073-C338-4F00-BC98-47CE084E57C3.htm>. see Annex 30, accessed on 15 July 2007.

Greek Cypriot administration of Southern Cyprus, and has dealt a blow to the efforts for a solution. Currently, any negotiation process aimed at finding a solution to the Cyprus question can have a chance of success only if it is conducted between two sovereign equals.⁷⁹

Although European officials dismissed the Turkish and Turkish Cypriot moves towards integration as irrelevant and legally void, they are significant in that they revealed the antagonistic attitudes towards the EU as well as the Turkish readiness to settle the conflict.

Another important development during this period was the Greek Cypriot decision to purchase S-300 missiles from Russia.⁸⁰ Within the framework of a nationalistic Greek Cypriot defense policy and the Joint Defense Doctrine with Greece, which was largely supported by Greek Cypriot public opinion and political parties, President Clerides signed a contract to purchase these missiles from Russia on January 4, 1994. The Greek Cypriots announced publicly that the missiles were needed for defensive purposes as protection from future Turkish expansion, while Russia, for its part, declared that the missile contract was purely a commercial deal and that Moscow could not be held responsible for the longstanding tensions on Cyprus.⁸¹ Militarily, the S-300s, which were considered to be effective against other missiles, including the Army Tactical System, as well as warplanes, were expected to challenge Turkey's air superiority over Cyprus, defend the military bases built with Greek assistance at Paphos and Larnaca and protect the Greece-Cyprus flight corridor.⁸² Politically, the Greek Cypriots planned to deploy the S-300 missiles in order to demonstrate to the international

⁷⁹ Doğa Ulaş and Nimer Beriker, "Assessing the Conflict Resolution Potential of the EU: The Cyprus Conflict and Accession Negotiations", *Security Dialogue*, Vol. 36, No. 2, 2005, p. 183.

⁸⁰ For the defense spending of the Greek Cypriots, see, Christos Kollias, Charis Naxakis, and Leonidas Zarangas, "Defense Spending and Growth in Cyprus: A Casual Analysis", *Defence and Peace Economics*, 2004, Vol. 15, No. 3, pp. 299-307.

⁸¹ Aylin Güney, "The USA's Role in Mediating the Cyprus Conflict: A Story of Success or Failure", *Security Dialogue*, Vol. 35, No. 1, 2004, pp. 34-35.

⁸² S. Gülден Ayman, "A Case of Brinkmanship: S-300 Missile Crisis", *Turkish Review of Balkan Studies*, 2002, No 7, p. 9.

community that the existence of two states on the island could no longer be tolerated and to pressure Turkey to change its Cyprus policy.⁸³

The announcement of the planned deployment immediately raised tensions in the Eastern Mediterranean. The move was both military and politically unacceptable to Turkey, which promptly blamed the Greek Cypriots for endangering the security and stability of Cyprus and declared that deployment of the missiles would be considered a *casus belli*. Ankara interpreted the decision to deploy the S-300s as part of Greek efforts to completely separate Cyprus from Turkey and as a significant step towards the grand strategy of isolating Turkey within a strategic belt stretching from the Ionian Sea to the Gulf of Iskenderun, closing off all naval transportation routes from Anatolia.⁸⁴ Furthermore, the move was also viewed as an attempt to control the transportation routes of Central Asian petroleum to be exported through Iskenderun.⁸⁵

The potential deployment provoked a response from the United States, which viewed the missiles as undermining the security not only of Cyprus, but of the entire Eastern Mediterranean, and as an attempt by Russia to increase its influence in the region and disrupt NATO during its eastward expansion by encouraging tensions between Greece and Turkey.⁸⁶ In a press briefing on January 6, 1997, the U.S. State Department expressed its view that the missile system represented “a new and de-stabilizing element [that] threatens to take the arms build-up on Cyprus to a new and disturbing qualitative level [and] makes any mediation effort much more difficult.”⁸⁷ Alarmed by Turkish officials’ threats to attack Cyprus, if necessary, to prevent the missile deployment, the State Department immediately declared any use of force to be unacceptable.⁸⁸

⁸³ *Ibid*, p. 10.

⁸⁴ Şükrü Elekdağ, “Atina Neyin Peşinde”, *Milliyet*, 22 June 1998, p. 23.

⁸⁵ Ayman, *op cit*, p. 10.

⁸⁶ *Ibid*, p. 36.

⁸⁷ US Department of State, Daily Press Briefing DPB #3, 6 January 1997, <http://www.fas.org/news/usa/1997/01/msg00005a.htm>, accessed on 12 May 2007.

⁸⁸ Aylin Güney, *op cit*, p. 36.

An editorial by William Safire that appeared in the New York Times reflected the United States' main fear that the tension over Cyprus – provoked, the U.S. felt, by Russia's strategic interests – would have a spillover effect that could de-stabilize the region. As Safire stated in his article:

[Russian Foreign Minister] Primakov would be able to monitor the flight of Russian rubles to foreign banks, and gain added leverage over Serbia, which gets clandestine foreign money support through Cyprus... Cyprus is the flashpoint of a Greek-Turkish tension that extends into the Balkans. Here was Primakov's way to retaliate at NATO expansion by breaking apart the southern flank of the Western alliance... Richard Holbrooke, unable to negotiate the Cypriot factions into a sensible 'bi-zonal, bi-communal' federation, creatively tried to use the impending Cyprus crisis as a shoehorn to ease Turkey into being fairly considered for E.U. membership. But the Germans and Greeks would have none of that... As a result of Primakov's maneuvering and European anti-Turk bias, we now have (1) Ankara more adamant than ever about a separate Turkish Cypriot republic; (2) the U.N., which patrols the green line, passing resolutions blaming Turks for everything, and (3) Greeks lurching into a foolish missile provocation.⁸⁹

In response to extreme pressure by the U.S., British, French and German administrations, who were greatly concerned about regional stability and possible clashes between Turkey and Greece, the Greek Cypriot and Greek governments changed their minds in December 1998 and agreed to the deployment of the missiles in Crete rather than in Cyprus. This move was made possible thanks to the replacement of Prime Minister Papandreu with Costas Simitis, who altered the nationalistic policies of his predecessors and persuaded the Greek Cypriots not to accept the S-300 missiles, arguing that doing so would mean risking their EU application, which was their first priority. Moreover, Greece was worried that its attempt to enter the "Euro zone" would also be unnecessarily complicated by the deployment of missiles on Cyprus.⁹⁰ Despite the Greek Cypriots' ultimate decision not to deploy the S-300 missiles, the event led to an increase in tensions between the Turkish and the Greek Cypriots and counter-moves by the Turkish Cypriots and Turkey that negatively impacted on peace efforts and widened the gap in trust

⁸⁹ William Safire, "Primkov in Cyprus", *The New York Times*, 2 July 1998.

⁹⁰ Tocci, *op cit* 2004, p. 76.

between the two communities as well as the respective hegemonic discourses of the Greek and Turkish Cypriots, the latter of which became focused on confederation between two recognized and politically equal sovereign states.

Basing their case on the 1960 founding treaties of the “Republic of Cyprus”, on March 9, 1998, the TRNC Assembly adopted the following resolution:

Cyprus cannot join, in whole or in part, any international union or organization in which Turkey and Greece are not both members. Therefore, the TRNC will not, under any circumstances, take part in the membership process the EU commenced with the Greek Cypriot administration.⁹¹

To strengthen its position, the Turkish Cypriot leadership asked Dr. Maurice H. Mendelson, a British professor of international law, to prepare a legal opinion regarding the “Republic of Cyprus’s” EU membership application. Professor Mendelson concurred with Turkish Cypriot views that the Greek Cypriot administration of southern Cyprus could not become an EU member before Turkey; moreover, Mendelson stated that even application for membership should be out of the question and that the United Kingdom and Greece, as Guarantor powers in Cyprus, had the responsibility to block such an application.⁹²

Meanwhile, as explained above, in March 1998 Turkey signed an agreement with the Turkish Cypriots for comprehensive economic and trade cooperation to ease the negative impacts of economic embargos against the TRNC, the lifting of which became another important Turkish Cypriot strategy in this period.

⁹¹ Resolution Adopted By The Legislative Assembly of The TRNC March 9, 1998, <http://www.mfa.gov.tr/MFA/ForeignPolicy/MainIssues/Cyprus/Resolution+Adopted+By+The+Legislative+Assembly+of++The+TRNC+March+9+1998.htm>, for the full text of resolution see Annex 31, accessed on 15 July 2007.

⁹² Maurice H. Mendelson, *Why Cyprus Entry into the European Union Would be Illegal*, (London: Meto Print, 2001).

Confederation⁹³ was identified as an official solution by the Turkish Cypriots for the first time in a Joint Declaration signed between the TRNC and Turkey on April 23, 1998. The declaration stated:

At the current stage, any negotiation process aimed at finding a solution to the Cyprus question can have a chance of success only if it is conducted between two sovereign equals. Today, there are two separate equal peoples, states and democratic governments in Cyprus. As long as these realities in Cyprus and the sovereignty rights of the Turkish Cypriot people are not accepted, no lasting solution can be found. The two equal sides must first resolve the fundamental issues between them, and create the conditions of living side by side in the island in peace and stability.⁹⁴

Thus, both Turkey and the TRNC added a precondition to future negotiations by insisting that they be carried out between two sovereign states rather than between two communities. Denktaş presented this document, which outlined the basic principles and parameters of a final settlement, to U.N. Secretary-General Kofi Annan in Geneva.⁹⁵ Not only did the document state that negotiations should be conducted between two states, it also blamed the European Union for interfering in Cyprus and insisted that the United Nations should be the major actor in the negotiation process.

In line with this new position on August 31, 1998, Denktaş proposed a confederation between two sovereign states as the basis for a settlement of the Cyprus Problem, as follows:

As a final effort to achieve a mutually acceptable lasting solution in Cyprus, I propose the establishment of the Cyprus Confederation based on the following arrangements: a) A special relationship between Turkey and

⁹³ See, Ergün Olgun, "Confederation: The Last Chance for Establishing A New Partnership in Cyprus", *Perceptions*, 2001, Vol. 6, No. 1; and Fatma Güven Lisaniler and Jonathan Warner, "Cyprus-Bridge or Bunker? The Cyprus Problem and Prospects for its Resolution", *Perceptions*, 1998, Vol. 3, No. 1.

⁹⁴ Joint Declaration, 23 April 1998, <http://www.mfa.gov.tr/MFA/ForeignPolicy/MainIssues/Cyprus/Joint+Declaration+Unofficial+Translation+23+April+1998.htm>, for the full text of the declaration see Annex 32, accessed on 15 July 2007.

⁹⁵ Basic Parameters and Principles of a Final Settlement in Cyprus Document Given By President Denktaş to the UN Secretary-General During their Meeting in Geneva- 28 March 1998, <http://www.trncinfo.com/TANITMADAIRESI/2002/ENGLISH/DOCUMENTS/15.htm>, accessed on 15 July 2007, for the full text see Annex 33.

the TRNC on the basis of agreements to be concluded; b) A similar special relationship between Greece and the Greek Cypriot Administration on the basis of symmetrical agreements to be concluded; c) Establishment of a Cyprus Confederation between the TRNC and the GCA; d) The 1960 guarantee system shall continue; and e) The Cyprus Confederation may, if both parties jointly agree, pursue a policy of accession to the EU; until Turkey's full membership to the EU, a special arrangement will provide Turkey with the full rights and obligations of an EU member with regard to the Cyprus Confederation.⁹⁶

According to İsmail Cem, who was Turkey's foreign minister at the time, the confederation proposal represented Turkey's first concrete response to the EU-“Republic of Cyprus” accession negotiations. If the EU had been ready to accept Turkey's proposal for a confederation, Cem has said, then Turkey would have been ready to discuss Cyprus's EU membership. Turkey and the Turkish Cypriots' upgrading of their hegemonic projects from federation to confederation⁹⁷ was both a logical consequence of previous requests to conduct negotiations on a state-to-state basis and evidence that the European Union's unwillingness to engage in accession negotiations with the “Republic of Cyprus” had reduced the willingness of the Turkish and Turkish Cypriot leaderships to negotiate a settlement on Cyprus.

In his speech at the opening of membership negotiations between the European Union and Cyprus, “Republic of Cyprus” Foreign Minister Ioannis Kasoulides argued that the negotiations would “act as a catalyst, including all sides to work for an early solution.”⁹⁸ The EU Commission Opinion on Cyprus's application had also stated that “the Commission was convinced that the results of Cyprus's accession to the Community...would help bring the two communities on

⁹⁶ Call for peace from the Turkish side, 31 August 1998 Rauf Denktaş Proposes Confederation in Cyprus, <http://www.mfa.gov.tr/MFA/ForeignPolicy/MainIssues/Cyprus/Call+for+peace+from+the+Turkish+side+31+August+1998.htm>, accessed on 15 July 2007, for the full text see Annex 34.

⁹⁷ İsmail Cem, *Türkiye, Avrupa, Avrasya: Strateji, Yunanistan, Kıbrıs*, Birinci Cilt, (İstanbul: Bilgi Üniversitesi Yayınları, 2004, p. 2004.

⁹⁸ Ioannis Kasoulides, Substantive Accession Negotiations, Ministerial Meeting, http://kypros.org/CY-EU/eng/06_news/news018.htm, accessed on 15 July 2007.

the island closer together.”⁹⁹ This “catalytic effect”¹⁰⁰ had become a standard argument on the part of both politicians and political observers for continuing negotiations, the idea being that the prospect of EU membership would have a positive impact on developments on the island; in fact, it was an attempt by both Greek Cypriot and EU officials to legitimize their policies. Although the above rhetoric from Foreign Minister Kasoulides and the EU Commission may appear similar, for Kasoulides, the catalyst lay in the negotiations themselves, which would ostensibly pull the two sides towards an agreement, whereas the EU Commission used the term catalyst to refer to Cyprus’s accession as a whole; in fact, it is difficult to see how membership of one part of the island would help bring the two communities together.¹⁰¹ In order for any catalytic effect to be successful, the rationale behind it would need to be grounded in the realities of the Cyprus Question and provide the various actors with the appropriate incentives to encourage their support for EU policies. By offering benefits to both the Turkish and Greek Cypriots, and making these benefits conditional on conflict settlement, the EU accession process would offer increased incentives for both communities to agree to a settlement.¹⁰² Removing settlement as a condition for Cyprus’s EU membership acted as a disincentive to the Greek Cypriots and had a clear negative impact on settlement negotiations.¹⁰³

⁹⁹ Commission of the European Communities, Commission Opinion on the Application by the Republic of Cyprus Membership, Com (93) 313 Final, 30 June 1993, Paragraph 46.

¹⁰⁰ For the catalyst role EU see, Peter A. Zervakis, “The Europeanisation of the Cyprus Question: A Model for Conflict Resolution?”, *Politicka Miaso*, 2002, Vol. 39, No. 5, pp. 156-173; Bertil Duner, “Cyprus: North is North and South is South”, *Security Dialogue*, 1999, Vol. 30, No. 4, pp. 485-496; Nathalie Tocci, “EU Intervention in Ethno-political Conflicts: The Cases of Cyprus and Serbia Montenegro”, *European Foreign Affairs Review*, 2004, Vol. 9, pp. 551-573; Elizabeth H. Prodromou, “Reintegrating Cyprus: The Need for a New Approach”, *Survival*, 1998, Vol. 40, No. 3, pp. 5-24; Olga Demetriou, “EU and the Cyprus Conflict”, *Working Paper Series in EU Border Conflicts Studies*, June 2005; Yannis A. Stivachtis, “The Enlargement of the European Union: The Case of Cyprus”, *ISA Convention*, March 2000; and Thomas F. Farr, “Overcoming the Cyprus Tragedy: Let Cypriots Be Cypriot”, *Mediterranean Quarterly*, 1997, Vol. 8, No. 4, pp. 32-62.

¹⁰¹ Thomas Diez, “Why the EU can Nonetheless be Good for Cyprus”, *Journal on Ethno-politics and Minority Issues in Europe*, No. 2, 2002, p. 3.

¹⁰² Tocci, *op cit* 2004, p. 94.

¹⁰³ *Ibid*, p. 95.

The potentiality of EU membership shifted the political balance between the two communities on the island. While the recognized government looked upon it as enhancing their political and military security, the Turkish Cypriots became concerned that such a move would represent “enosis through the back door”, at least if Turkey did not become a member simultaneously.¹⁰⁴ Thomas Diez identified two ways in which Cyprus’s EU application could have acted as a catalyst towards settlement – a “carrot catalyst,” by which the benefits of EU membership would lead the Turkish Cypriot representatives to agree to participate in EU membership negotiations, and a “stick catalyst,” by which Cypriot EU membership would increase pressure on Turkey to work towards a Cyprus settlement and also enhance democratization in Turkey.¹⁰⁵ In general, the Greek, Greek Cypriot and EU officials favored the carrot over the stick; with EU membership, the Turkish Cypriots would be extended the protection of human rights and democracy within the European Union, they would be able to participate in EU institutions and enjoy the other benefits of EU citizenship. In particular, EU membership offered a variety of economic gains to the Turkish Cypriots, especially to small- and medium-sized Turkish Cypriot companies. Membership would entail a considerable transfer of EU funds to the economy of northern Cyprus, which would gain access to EU economic institutions such as the European Investment Bank. The economic embargo would be lifted, and while gaining access to the EU single market, the Turkish Cypriots would still maintain beneficial trade relations with Turkey under the EU-Turkish Customs Union.

Despite the obvious economic benefits, the majority of Turkish Cypriots were more concerned with the political and security implications of EU membership.¹⁰⁶ Most of all, Turkish Cypriots were concerned that following accession, Turkey’s rights as a guarantor power in Cyprus would be weakened and

¹⁰⁴ Thomas Diez, “Last Exit to Paradise? The EU, the Cyprus Conflict and the Problematic Catalytic Effect”, p. 3.

¹⁰⁵ *Ibid.*, p. 10-11.

¹⁰⁶ Tözün Bahçeli, “Searching for a Cyprus Settlement: Considering Options for Creating a Federation, a Confederation, or Two Independent State”, *Publius*, Vol. 30, No. 1-2, 2000, p. 5.

Greek Cypriots would settle in northern Cyprus in such numbers that the Turkish Cypriots would be transformed into a minority even in the north.

For their part, the Greek Cypriots believed that EU treaties and the *acquis communautaire* placed them in a favorable negotiating position vis-à-vis the Turkish Cypriots on several key issues and that EU membership of a federal Cyprus would secure the rights of the Greek Cypriot community,¹⁰⁷ namely, the “three freedoms”, i.e., freedom to travel, freedom to settle, and freedom to own property anywhere on the island. Moreover, the Greek Cypriot leaders believed that EU membership would provide the ideal framework for what they viewed as a desirable settlement, automatically purging what they considered to be undesirable elements presented by the UN framework.¹⁰⁸ In the words of Foreign Minister Michaelides, “The main axis of our foreign policy is what we call our European orientation. By this we mean the activation of the European factor in the efforts to find a solution to the Cyprus problem.”¹⁰⁹ Not only did the EU accession process provide the “Republic of Cyprus” with a new forum in which to present its cases, it also offered the Greek Cypriots enhanced relations with the Union, bolstering the “Republic of Cyprus’s” status as the only legitimate government on the island and discrediting the legitimacy of the TRNC. Moreover, the Greek Cypriot accession process increased leverage over Turkey and provided soft-security gains to both the Greek Cypriots and the EU as a whole in terms of containing Turkey from acting in Cyprus.

EU actors believed that Turkey’s support for Denktaş’s policies was the main obstacle in front of a settlement in Cyprus, making a policy change in Turkey an important step towards any solution.¹¹⁰ The EU Commission and the member-states believed that the Cyprus accession process could catalyze such a change,

¹⁰⁷ *Ibid*, pp. 5-6.

¹⁰⁸ Tocci, *op cit* 2004., p. 99.

¹⁰⁹ C. Tsardanides and Y. Nicolau, “Cyprus Foreign and Security Policy Options and Challenges”, in *The Foreign Policies of the EU’s Mediterranean States and Applicant Countries in 1990s*, ed. by S. Stavrides, T. Coloumbus, T. Veremis and N. Waites, (London: Macmillan, 1999), p. 173.

¹¹⁰ For the critics of the EU strategy, see, Stephan Larrabee, “The EU Needs to Rethink its Cyprus Policy”, *Survival*, 1998, Vol. 40, No. 3, pp.25-29.

identified by Thomas Diez as the “stick catalyst effect.” As former EU Commission Official Eberhard Rhein stated, “Turkey will not sacrifice its perspective for membership for the sake of maintaining a puppet regime in Northern Cyprus.”¹¹¹ In other words, the EU was offering membership to Turkey with the settlement of the Cyprus problem a precondition to Turkish membership. EU officials believed that a Cyprus settlement as well as Cypriot EU accession would benefit Turkey through the support that a united Cyprus would provide to Turkey’s EU membership and the fact that Turkish would become an official EU language as a result of Cypriot accession, not to mention the elimination of the considerable economic burden to the Turkish economy represented by its support for the TRNC.

Greek membership in the European Union provided Athens with a significant means of extracting concessions from Turkey in settling the Cyprus problem in conjunction with threats to use its veto power to block EU enlargement. In November 1996, Foreign Minister Theodoros Pangalos summed up Greece’s intentions clearly when he declared, “If Cyprus is not admitted, then there will be no enlargement of the EU, and there will be no end to the negotiations now going on for the revision of the Treaties, and the Community will thus enter into unprecedented crisis.”¹¹² In short, if Cyprus was not going to be an EU member, there would be no enlargement.

During this period, the European Union emerged as a new and influential actor in the Cyprus problem, hoping to provide the catalyst to a settlement through its offer of EU membership to the island. However, rather than bringing about unification, the accession process resulted in some of the lowest levels of confidence between the two communities since 1974. The Greek Cypriots consolidated their hegemonic discourse and their ongoing goal of a unitary state through their EU application and subsequent accession negotiations. Greek Cypriot policies and EU decisions had a negative impact, leading to a hardening of the Turkish Cypriot positions by raising the perceived importance of statehood and

¹¹¹ Tocci, *op cit* 2004., . 96.

¹¹² *Ibid*, p. 97.

sovereignty as a means of ensuring political equality, the achievement of which was focused around the new hegemonic discourse of confederation. However, this could be considered as a vague response weak response of Turkey because this Turkish proposal was not accepted by the other actors in terms of international law. Moreover, as the discussion in Chapter 7 will show, EU assumptions as to the nature of the Cyprus problem and the actors involved were problematic, leading to the failure of the accession process as the hoped-for catalyst to a settlement.

CHAPTER 7

TACTICAL STRUGGLE BETWEEN THE HEGEMONIC PROJECTS, FAILURE AND A TRANSFORMED STATUS QUO: 1999-2004

7.1 A Tactical Struggle between the Two Hegemonic Projects: 1999-2001

As explained in the previous chapter, the period from 1996 to 1998 witnessed the lowest level of confidence between the two communities on Cyprus since 1974. The positions of the Turkish and Greek Cypriots hardened, talks between the leaders came to a halt, and a new tactical struggle between their hegemonic projects began, with each one trying to dominate the other. Even as the Greek Cypriots proceeded with the EU accession process, by mid-1999, United States and the United Kingdom had come to believe that a new initiative was needed to re-launch talks that had deadlocked in August 1997 when the Turkish and Turkish Cypriot governments, in response to the Greek Cypriot-EU accession talks, moved away from the concept of federation and began openly calling for recognition of the fact that two sovereign states existed on the island and both of them needed to be recognized. From 1998 onwards, the Turkish Cypriot leadership had stated that confederation was the only viable solution for the Turkish Cypriots. Turkey gave its full support to the confederal solution, and, on July 2, 1999 issued a joint declaration¹ with the Turkish Cypriot leadership that outlined their three major pre-conditions for solving the Cyprus problem, namely: a) recognition of the TRNC as a separate and independent state; b) agreement on the necessity of a confederal solution; and c) halting the accession process until a political solution

¹ Turkey-TRNC Joint Declaration 20 July 1999, http://www.mfa.gov.tr/MFA/PressInformation/JointDeclarations/JointDeclarations1999/July_20_1999_Turkey-TRNC+Joint+Declaration.htm, accessed on 15 July 2007.

was found that would allow the Turkish Cypriots to contribute to decisions regarding their own future.² The stance outlined in the declaration appears to have been designed as part of a Turkish Cypriot and Turkish attempt to alter the overall EU strategy trajectory of the 1990. When this failed, the Turkish Cypriot leadership, together with Turkey, tried to prevent legalization of the EU strategy, with Turkish Cypriot leader Rauf Denktaş taking the first step by declaring that he would not participate in any direct inter-communal talks until after the conditions outlined in the July 1999 declaration had been met. When the situation reached a crisis point, the other international actors stepped in, encouraging both the Turkish and Greek Cypriots to resume the inter-communal talks. Special representatives were appointed – Alvaro de Sato for UN Secretary-General Kofi Annan, and Sir David Hannay and Thomas Weston for the governments of the United Kingdom and the United States, respectively.

Just how the European Union was able to persuade Turkey to change the attitude it had adopted between the 1997 Luxembourg and the 1999 Helsinki Summits merits attention. When the EU did not include Turkey as a candidate at the Luxembourg Summit, Turkey refused all the conditions set by the European Union and did not participate in the Luxembourg Summit. The strategies developed by the EU exclusively for Turkey, namely the French idea of assembling all the candidate countries at the European Conference, were not enough to overcome the resentment of Turkish leaders,³ who cut all political dialogue with the European Union, identifying its behavior as discriminatory. Overall, the EU based its post-Luxembourg strategy on putting pressure on Turkey to change its stance vis-à-vis Cyprus. The Helsinki Summit represented a change from Luxembourg: The EU recognized Turkey as a candidate state “destined to join the Union on the basis of the same criteria as applied to other candidate states.”⁴ Naming Turkey as a candidate state meant Turkey would benefit from a

² *Ibid.*

³ Semin Suvarierol, “The Cyprus Obstacle on Turkey’s Road to Membership in the European Union”, *Turkish Studies*, 2003, Vol. 4, No. 1, p. 61.

⁴ European Council, Meeting on 12-13 December 1999 in Helsinki, *Presidency Conclusions*, Paragraph 12.

single framework for financial assistance and an Accession Partnership, as well as from inclusion in EU programs and agencies.⁵ Moreover, the Helsinki Summit decision extended the Custom Union to services and public procurement and the receipt of financial transfers. However, the Helsinki decision retained a gap between Turkey and the other candidate countries, including Cyprus.⁶ As well as granting Turkey candidacy, the Helsinki Council also removed the distinction between the screening and negotiation stages in the enlargement process.

The Helsinki Summit also took a crucial decision concerning Cyprus. The Presidency Conclusions stated that “if a settlement has not been reached by the completion of the accession negotiations, the Council’s decision on accession will be made without the above being a precondition. In this the Council will take into account all relevant factors.”⁷ This was an attempt to lift the condition completely for the eventual Republic of Cyprus membership to the EU. Saying it could take into account “all relevant factors” left the Council room to maneuver in the final decision and indicated a cautious approach. However, what this actually meant was never spelt out, and the European Council never called for any changes in the Greek Cypriot position, mainly because of Greek Foreign Minister Pangalos’s repeatedly stating that “if Cyprus is not admitted, then there will be no enlargement of the community.”⁸ Thus, the EU decision was determined by Greece’s threat to block the EU’s eastern enlargement if Cyprus was not accepted

⁵ Nathalie Tocci, *EU Accession Dynamics and Conflict Resolution: Catalyzing Peace or Consolidating Partition in Cyprus?*, (Hampshire: Ashgate, 2004), pp. 77-78.

⁶ See, Christopher Brewin, “The Cyprus Issue in Turkish-Greek Relations After Helsinki”, *TESEV*, 2002; Philip Robbins, “Confusion at Home, Confusion Abroad: Turkey Between Copenhagen and Iraq”, *International Affairs*, 2003, Vol. 79, No. 3, pp. 547-566; Hansjörg Brey, “Turkey and the Cyprus Question”, *The International Spectator*, 1999, Vol. 34, No. 1; and Amanda Akçakoca, “EU-Turkey Relations 43 Years on: Train Crash or Temporary Derailment? *EPC Issue Paper No 50*, 2006. For the Greek reading of Helsinki Summit, see, Andrew Apostolou, “Turkey, the European Union, and Cyprus”, *Mediterranean Quarterly*, 1999, Vol. 10, No. 4, pp. 104-121; Panayotis J. Tsakonas, “Turkey’s Post-Helsinki Implications for Greece and the Cyprus Issue”, *Turkish Studies*, 2001, Vol. 2, No. 2, pp. 1-40; and Erdal Güven, *Helsinki’den Kopenhag’a Kıbrıs*, (İstanbul: Om Yayınları, 2003).

⁷ European Council, Meeting on 12-13 December 1999 in Helsinki, *Presidency Conclusions*, Paragraph 9b.

⁸ Cyprus News, Cyprus High Commission, London, November 1996, No. 87.

as an EU member. A united Cyprus would have been a more desirable alternative for the EU, but it was not a necessary condition for Cyprus's membership".

One of the most important outcomes of the Helsinki Summit was that the EU found itself in the position of having to offer Turkey incentives in order to achieve a settlement in Cyprus, if it wanted Ankara to change its policies. In other words, with the Helsinki Summit, the EU put away the sticks and began offering up the carrots, transforming a strategy based on pressure to one based on offering a perspective for candidacy to Turkey if it would change its Cyprus policy. The EU based its calculations on the perception that Ankara had great influence over the Turkish Cypriot leadership, and if given candidate status, it would pressure Denktaş to negotiate and reach a settlement with the Greek Cypriots. In fact, with Helsinki, the EU had committed itself to Cyprus's accession independent of a resolution of the conflict.⁹

It can be argued that the decisions taken at the Helsinki Summit clearly tied Turkey's candidacy to Cyprus's membership, despite the fact that just prior to the summit, the Turkish government had insisted that no links should be established between the two accession processes. Furthermore, the Turkish leadership believed that the Cyprus Question could only be resolved within the framework of the United Nations. Turkey did not want to see a solution on Cyprus made a precondition for Turkish membership in the EU and therefore sought a guarantee that Turkey's EU membership and the Republic of Cyprus's EU membership would be viewed as completely separate issues.

Negotiations between Turkey and the EU deadlocked over the Cyprus issue. On December 10, 1999, EU Commissioner Gunter Verheugen and High Representative for EU Common Foreign and Security Policy Javier Solana paid a visit to Ankara in order to hand over a letter signed by the EU term-president, Finnish Prime Minister Paavo Lipponen, that attempted to persuade the Ecevit government to resume political dialogue. Lipponen's letter stated that the EU had officially and unanimously made the decision "to confer upon Turkey the status of candidate on the same footing as any other candidate and there will be no new

⁹ Meltem Müftüleri Baç and Aylin Güney, "The European Union and the Cyprus Problem 1961-2003," *Middle Eastern Studies*, 2005, Vol. 41, No. 2, p. 289.

criteria for Turkey.”¹⁰ With regard to Cyprus, the letter stated that “a political settlement remains the aim of the EU. Concerning the accession of Cyprus, all relevant factors will be taken into account when the Council takes the decision.”¹¹ This was in line with the Helsinki Presidential Conclusions – while it did not block the membership of the Republic of Cyprus, it did guarantee that no further conditions would be placed on Turkey beyond those of the Copenhagen Criteria. Prime Minister Ecevit immediately replied, stating: “I welcome the clarifications you have supplied to dispel any misunderstandings. Your letter constitutes an integral part of the acquis.”¹² The EU did not make both Lipponen letter and Ecevit’s reply public.

In a recent essay, Mustafa Türkeş has described this letter diplomacy as a tactical retreat on the part of the EU, making promises to Turkey so as “to bring the Turkish government to the table for political dialogue, without which it might have looked at other options.”¹³ A careful study of the Lipponen letter indicates nothing to do with blocking the Republic of Cyprus’s membership, confirming that political settlement, although desirable, was not a prerequisite. The letter’s assurances that no new conditions would be placed on Turkey were seen as adequate by the Turkish government and in line with its own official policy of separating the Cyprus Question from Turkey’s EU accession process. In the end, following the Helsinki Summit, and especially after 2003, Turkey’s candidacy was irrevocably tied to solution of the Cyprus problem. In other words, despite the later insistence of Andrew Rasbash, head of the Turkish Cypriot Task Force, that Lipponen’s letter was in no way binding,¹⁴ the EU president had clearly misled the Turkish leadership. Although most EU officials had little information about the

¹⁰ Paavo Lipponen Letter to Bülent Ecevit, 10.12.1999. For the Full text of the letter see Annex 36.

¹¹ *Ibid.*

¹² Bulent Ecevit Letter to Paavo Lipponen, 10.12.1999. For the Full text of the letter see Annex 37. Also for the details, see, Bülent Ecevit, *Ecevit-Kıbrıs ve Helsinki Gerçeği*, (Ankara: DSP Yayınları, 2004).

¹³ Mustafa Türkeş, “Cycles of Transformation of the Cyprus Question”, in *Contentious Issues of Security and the Future of Turkey*, ed. By Nursin Atesoglu Guney, (Hampshire: Ashgate, 2007), p. 164.

¹⁴ Andrew Rasbash, personal interview, Head of Turkish Cypriot Task Force, 19 June 2007.

Lipponen letter, those who did, including Cyprus expert Thomas Diez, had the distinct impression that Turkey had been deceived.¹⁵

As a result of the Helsinki Summit, the Cyprus problem was turned into an EU-Turkey dispute.¹⁶ The EU had given Turkey candidate status with the expectation that it would take a more active role in finding a solution to the Cyprus problem. However, the desired effect was diluted over the course of 2000-2001, as new problems emerged in Turkey-EU relations and lifting conditionality on the Greek Cypriot side became an increasingly acceptable option within the EU.

Between December 1999 and November 2000, the United Nations held five rounds of proximity talks in which Special Representative Alvaro de Soto engaged in shuttle diplomacy with the Turkish and Greek Cypriot leadership. The aim of the talks was to develop a framework agreeable to both sides, as well as a set of unifying proposals. While the Turkish Cypriots tried to promote the confederation thesis, the Greek Cypriots were focused on achieving their own goals in a process later characterized by Secretary-General Annan as one of “procedural wrangling, verbal gymnastics, and shadow boxing.”¹⁷

The highlight of the fifth round can be found in the November 8, 2000 oral remarks of the secretary-general, in which he outlined a comprehensive framework for a settlement on Cyprus based on

the equal status of the parties in a united Cyprus which this equality recognized explicitly in the settlement; Cyprus should have a single international legal personality; there should be one sovereign, indissoluble common state where neither side should be able to dominate the common state or the component state; there should be single citizenship, human rights and fundamental freedoms should be guaranteed; the common state should have a common government, with a basic law, prescribing powers exercised by legislative, executive and judicial branches; in the operation of common government, the political equality of the Turkish and the Greek Cypriots should be respected; two component states who has its own basic laws, forms the common government; the component states

¹⁵ Thomas Diez, personal interview, 25 June 2007.

¹⁶ George Christou, *European Union and Enlargement: The Case of Cyprus*, (Hampshire: Palgrave Macmillan, 2004), p. 88.

¹⁷ UN Secretary-General, *Report of the Secretary General on his Mission of Good Offices in Cyprus*, 7 April 2003.

should be largely self-governing; a comprehensive settlement negotiated by the UN should not present an obstacle for the EU membership nor need it be re-negotiated when the terms of accession established; on property a solution must withstand legal challenge, but a solution carefully regulate the exercise of property rights by a combination of a reinstatement, exchange and compensation; as regards territory a comprehensive settlement without return to Greek Cypriot administration of an appreciable amount of territory, and finally the UN mandated force and police unit that function throughout the island to attain security for both sides.¹⁸

When asked for their comments on the secretary-general's proposals, Greek Cypriot leader Clerides, concerned with maintaining appearances as someone in favor of a solution, accepted them as a basis for further negotiations, whereas Denktaş declared that since the "non-paper" had not included the confederation thesis, there was no reason to remain at the negotiation table, and he withdrew from the talks.¹⁹

Claiming that Annan's proposal reflected only the Greek Cypriot viewpoint, Denktaş sent him a letter that presented the Turkish Cypriots' basic objectives and principles regarding a comprehensive settlement. These included the following:

- Two co-owner peoples and their co-founding status.
- Freely negotiated and mutually acceptable settlement. Integrated whole principle.
- Two equal and sovereign Partner States representing two distinct peoples, respectively.
- Bi-zonality, which has actually been brought about by the 1975 Voluntary Population Exchange Agreement under the auspices of the United Nations.
- Establishment of a new partnership structure by the two Partner States.

¹⁸ Statement of UN Secretary-General Kofi Annan of 8 November 2000, cited by David Hannay, *Cyprus: The Search for a Solution*, (New York: I.B. Tauris, 2005), pp. 136-140.

¹⁹ Ahmet Sözen, *The Cyprus Negotiations: From the 1963 Inter-Communal Negotiations to the Annan Plan*, paper prepared to be presented at the Sixth Global Leadership Forum, Istanbul 24-27 June 2004.

- National, cultural, religious, linguistic, political, economic and social identity as well as integrity and security of each Partner State will be safeguarded with the settlement.
- Each party represents its own side and no one else.
- One party cannot claim jurisdiction and sovereignty over the other party.
- Each Partner State has its sovereignty and jurisdiction over its own people and territory within its constitutional order.
- The new partnership structure shall be competent in matters which are explicitly assigned to it by the Partner States.
- The new partnership will have one international personality as per the competencies assigned by the Partner States to the partnership. The external representation of the new structure will reflect the bi-national nature of the new partnership.
- Creating an environment of mutual confidence, cooperation and partnership through confidence-building measures and removal of the embargoes. Removal of the embargoes will contribute to the process.
- Refrain from any action which could impair the negotiation process.
- The comprehensive settlement will be submitted to separate referendums in both sides.
- 1960 Treaties of Guarantee and of Alliance shall remain in force.
- The comprehensive settlement following its adoption after separate referendums will serve as the founding document of the new partnership.
- Global exchange of property and/or compensation through a Joint Property Claims Commission.
- The two Partner States will respect each other's special relationship with their motherlands.
- Most-favored-national treatment will be accorded to Turkey and Greece.
- Neither Greece nor Turkey will have a more favorable position in Cyprus than the other.

- The nationals of each Partner State will also be citizens of the new structure.
- Equal participation and rotation in all institutions of the new structure; decision-making on the basis of consensus.
- The two Partner States will retain their right to enter into agreements and relations with foreign Governments and regional or international organizations in their areas of competence.
- European Union membership will be decided as part of the comprehensive agreement and be submitted to separate referendums.
- The parties shall terminate all current or pending recourse before an international body against the other State or Greece or Turkey.²⁰

As his letter indicates, Denктаş's primary goals were to guarantee the survival of the Turkish Cypriots and prevent them from becoming a minority on the island – which Denктаş considered to be the essential aim of Greek Cypriot policy. Moreover, Denктаş did not want to lose his bargaining position in the inter-communal talks. In other words, Denктаş considered the two-state formula as a tool for realizing his hegemonic project. With this letter and his reiteration of the need to recognize the existence of two states on the island, Denктаş was making recognition of the political equality and sovereignty of the Turkish Cypriots a condition for a comprehensive settlement.

After the Turkish Cypriots unilaterally withdrew from the proximity talks, UN and EU Commission officials, as well as representatives of the U.S. and U.K. governments, exerted considerable pressure on Turkey and the Turkish Cypriots to get them to return; however, despite meetings in August 2001 with both Verheugen and Annan, Denктаş refused to go back to the negotiation table on the grounds that the two parties lacked a common vision.²¹

²⁰ Letter send to UNGS Annan on November 12, 2001 by the President of the TRNC, H.E. Rauf R. Denктаş regarding the basic parameters of a possible settlement in Cyprus circulated as a UN General Assembly and Security Council Document (Dated 14 November 2001 No A/56/622-S/2001/1077), <http://www.mfa.gov.tr/MFA/ForeignPolicy/MainIssues/Cyprus/CyprusLetter14112001.htm>, accessed on 15 July 2007.

²¹ Tocci, *op cit.*, p. 79.

The collapse of the proximity talks was influenced in part by the positions and attitudes of the main political parties in the TRNC and Turkey, which need to be analyzed. At the time that the talks came to a halt, the parties in power in Turkey as well as in the TRNC supported both Turkish and TRNC membership in the EU. In Turkey, a coalition government comprised of the center-left Democratic Left Party (DSP), the liberal Motherland Party (ANAP) and the right-wing National Action Party (MHP) had been in power since April 1999 and keen to portray itself as a reformist, pro-European administration. Foreign Minister Cem, in particular, was a great supporter of rapprochement with Greece and EU membership. Within the TRNC coalition government, moderate, pro-settlement forces inside the center-left Social Liberation Party (TKP), which favored both a settlement on Cyprus and EU membership, balanced the forces of the nationalist National Unity Party (UBP), which opposed a settlement and membership.

In the build-up to Helsinki, the positive atmosphere created by the support for a settlement and EU membership, as well as Turkish-Greek rapprochement, had been a key determinant of the Turkish Cypriot's agreeing to participate in proximity talks. Following UN Security Council Resolution 1250, the Turkish Cypriots were faced with a choice: if they refused the UN invitation, EU resistance to membership of a divided Cyprus would diminish; if they accepted, European support for Turkey's EU candidacy would rise.²² Even if the Turkish Cypriot side was unwilling to shift its positions, merely participating in the talks would add momentum in favor of a positive EU decision vis-à-vis Turkey. Similarly, the EU decision to extend candidacy to Turkey had a positive effect on the Turkish and Turkish Cypriot positions on the Cyprus conflict. Although the Helsinki Summit had all but guaranteed that the Republic of Cyprus would become an EU member, Denktaş changed his rhetoric and declared that if Turkey became an EU member as well, reunification of the island could occur within the framework of the Union. "Call it a federation or a confederation," Denktaş said, "the name is not important."²³ This is just one example of how not just the EU, but Denktaş as well, tied policy on Cyprus to Turkey's EU accession process.

²² *Ibid*, p. 80.

²³ "Denktaş Suggests a Cyprus Settlement in the EU", *Turkish Daily News*, 18 December 1999.

Several important developments were to occur that would change the positive stance of the Turkish Cypriots and Turkey. The first was the collapse of the TRNC coalition government; the TKP resigned, and a new coalition government was established by the UBP and the Democrat Party (DP), who were Euro-skeptics as well as “settlement-skeptics”. The second important development was the deterioration of EU-Turkey relations, as new problems surfaced on the political agenda, namely, the inclusion of a reference to the Armenian genocide in the October 2000 European Parliament report on Turkey and the French Parliament’s January 2001 recognition of the genocide. Tensions were also heightened by the Commission’s publication in November 2000 of the first Accession Partnership document, which included a reference to Cyprus under the list of short-term political conditions, and by the dispute over Turkey’s role in the European Security and Defense Policy (ESDP), which lasted until December 2002.²⁴

Moreover, statements coming from the EU over the course of 2000-2001 made it increasingly clear that the decisions taken by the Helsinki Summit guaranteed the membership of the Republic of Cyprus in 2004. This shows that Lipponen’s letter had been nothing more than a tool to bring Turkey back to the negotiation table. The Greek threat of a veto of any enlargement that excluded Cyprus had its effect: in October 2001, European Commissioner Gunter Verheugen declared that enlargement was not conceivable without Cyprus,²⁵ and Commission President Romano Prodi declared, “Cyprus will join the EU and will be among the first candidate countries to do so.”²⁶ Prodi also commented that “the Cyprus issue was not going well for Turkey.”²⁷ Verheugen and Prodi’s statements received a reply from Turkish Foreign Minister Cem, who declared that “Turkey might be forced to take drastic measures in the event of a Greek Cypriot accession

²⁴ Tocci, *op cit.*, p. 78-79.

²⁵ *Ibid*, p. 79.

²⁶ “Cyprus will Join”, *Cyprus Weekly*, 30 October 2001.

²⁷ *Ibid*.

prior to an agreement on the Cyprus problem.”²⁸ This was followed by a statement from Prime Minister Ecevit, saying that if the EU admitted Cyprus before a settlement, Turkey could annex the TRNC.²⁹ Responding to these statements from the Turkish government, EU Commission spokesman Christophe Filori expressed his regret over the hardening tone and warned that annexation of Northern Cyprus would jeopardize Ankara’s own hopes of joining the EU.³⁰ The tension between Turkey and EU was also reflected in the European Parliament Report published in July 2001, which stated unequivocally that “if Turkey were to carry out its threat of annexing the north of Cyprus in response to Cypriot accession to the EU and to proclaim the northern part as its 82nd province in clear breach of international law, it would put an end to its own ambitions of European membership.”³¹

This tension had a negative impact on the proximity talks. It seems that the European Union had once again transformed the Cyprus problem from one paradigm to another. The EU strategy was based on trying to win over Turkey and the Turkish Cypriots, without ever taking into consideration the fact that the Greek Cypriots might reject a settlement. Almost all EU officials and European politicians viewed the Greek Cypriot EU application as a tool to pressure Turkey into solving the Cyprus problem; they assumed that the Greek Cypriots were ready to accept any proposal for a solution. There have been numerous confirmations that this, in fact, formed the crux of EU policy, including statements by UK Special Representative to Cyprus David Hannay,³² UK Minister of Europe Geff Hoon,³³ and Mary Southcott³⁴, coordinator of the Friends of Cyprus. Both Hoon and Southcott have made the point that Britain’s policy, designed by former

²⁸ *Cyprus Mail*, 6 November 2001.

²⁹ *Ibid.*

³⁰ Suvarierol, *op cit.*, p. 62.

³¹ Jacques F. Poos, report on *Cyprus’s Application for Membership to the European Union and the State of Negotiations*, 17 July 2001. See Annex 38.

³² David Hannay, personal interview, 19 June 2007.

³³ Geef Hoon, conference titled as “British-Cyprus Relations”, at LSE, on 13 June 2007.

³⁴ Mary Southcott, personal interview, 20 June 2007.

Foreign Minister Robin Cook, was also based on supporting the Republic of Cyprus's EU application in order to pressure Turkey into a settlement, and that Cook had worked very hard to get the other European states to support Cyprus's application as well. Moreover, from the beginning, the EU considered Turkey as the primary actor responsible for what went on in Cyprus and believed that if any settlement were to be found, it would be through concessions on the part of Turkey. Hannay has acknowledged that neither the EU nor the other international actors had attached any conditions to the Republic of Cyprus's EU accession because they did not want to give Turkey or the Turkish Cypriots any political leverage with which to block the accession of the Republic of Cyprus.³⁵

These understandings and policies of the EU increased the fears of the Turkish Cypriots, who once again hardened their position. In December 2000, following a meeting with the Turkish National Security Council, the TRNC Assembly voted to withdraw from proximity talks, declaring that "EU membership [for Cyprus] would only be possible following Turkey's entry,"³⁶ tying Turkish Cypriot accession to that of Turkey's. This is an indication that political and security incentives were much more important to the Turkish Cypriots than the economic "carrots" being offered to them by the EU and which were clearly inadequate for persuading the Turkish Cypriot leadership to change its position with regard to seeking a settlement on Cyprus. This represented a continuity in the Turkish Cypriot hegemonic project based on political equality. The Turkish Cypriots' main security concern stemmed from their belief, based on historical experience, that as a minority, they would be extremely vulnerable in a re-united Cyprus. The Turkish Cypriot also believed that if a reunited Cyprus entered the EU without Turkey being an EU member, this would effectively negate Turkey's power to intervene and protect the Turkish Cypriots on the island.³⁷

Within the framework of an extensive policy change, in January 2001, the Turkey-TRNC Association Council signed two cooperation agreements: an

³⁵ David Hannay, personal interview, 19 June 2007.

³⁶ TRNC Assembly Declaration, December 2000.

³⁷ George Christou, "The European Union and Cyprus: The Power of Attraction as a Solution to the Cyprus Issue", *Journal on Ethnopolitics and Minority Issues in Europe*, No. 2, 2002, 10.

Economic and Financial Cooperation Protocol that envisaged a financial transfer of \$350 million over three years, and an agreement to simplify bureaucratic procedures, subsidize private investment in Northern Cyprus, harmonize trade laws, develop energy cables, facilitate the conversion of Turkish Cypriot citizenship into Turkish citizenship and allow reciprocal rights of property acquisition. These represented attempts to deepen the relation between Turkey and TRNC as a reaction to the Republic of Cyprus accession process.

From 1999-2001, the Greek Cypriot position was not very complex. It was doubtful that the Greek Cypriots wanted a settlement on the island prior to EU membership because they knew that the Republic of Cyprus would become a member of the European Union with or without a solution on the island. In spite of this, the Greek Cypriots did not withdraw from the peace process. During the talks, a major debate developed between Annan and Clerides around the issue of political equality. In his opening statement of the fourth round of proximity talks, Annan referred to the “political equality of the two communities, to the principle that each leadership could only represent its own community and to the aim of establishing a new partnership on the island.”³⁸ This statement was not new; in fact, it had appeared previously in the text of more than one UN Security Council Resolution. On this occasion, however, the Greek Cypriot leadership reacted very strongly, indicating not only the depth of the differences between the two communities, but also the competition between each side to force the other to submit to its own hegemonic project. In line with this policy, Clerides asked the secretary-general for clarification. He waited for two days, but the UN did not provide a response. In October 2000, the Republic of Cyprus House of Representatives defined the statement as “outside the letter and the spirit of the framework of the talks and the basis of a solution of the Cyprus problem as determined by UN principles, decisions and resolutions...” and announced that “the Republic of Cyprus will neither accept nor discuss a framework for the solution of the Cyprus problem containing confederal elements.”³⁹

³⁸ United Nations Secretary General, “Secretary General Stress Equal Status of the Parties in Cyprus Proximity Talks”, *Press Release*, SG/SM77546, 12 September 2000.

³⁹ Republic of Cyprus, House of Representatives Resolution, 11 October 2000, www.pio.gov.cy/news/special_issues/special_issue034.htm, accessed on 15 July 2007.

Thus, this period featured a tactical struggle between the Turkish Cypriot and Greek Cypriot hegemonic projects. Withdrawing from the proximity talks had put the Turkish Cypriots under the spotlight while helping the Greek Cypriots to appear more moderate and willing. Because the Greek Cypriots could not be held responsible for the failure of the talks, the support and sympathy they received from the international community increased.

7.2 Hope and Failure: The Annan Plan, 2002-2004

Denktaş's withdrawal from proximity talks in an attempt to force the UN to accept a two-state formula for a settlement led to another impasse in the negotiations. Throughout 2001, international actors, mainly U.K. and U.S. Special Representatives David Hannay and Thomas Weston, visited both Turkey and Greece to persuade them to start up a new set of negotiations. Both Turkey and the Turkish Cypriots declared they were ready for political dialogue based on the existence of two states with equal sovereignty. This was supported by the following statement from the Turkish National Security Council decision of May 29, 2001:

There exist two equal peoples and two equal sovereign states representing them respectively on the island. Reaching a mutually acceptable settlement in Cyprus depends on the acceptance of the fact that the two states in the island are sovereign equals. It was not possible to go anywhere with contrary claims as it will not be possible in the future. The existing two states are the starting points for any settlement.⁴⁰

At this point, the United States stepped up its involvement in Cyprus. From June 2001 onwards, Washington became locked in a process with the Turkish Ministry of Foreign Affairs that aimed at defining in precisely what terms Denktaş should be brought back into the negotiations.⁴¹ Like the EU, the U.S. government had also identified Denktaş as the cause of the deadlock in negotiations and based

⁴⁰ Press Release of the Turkish Security Council, 29 May 2001, <http://www.mfa.gov.tr/MFA/ForeignPolicy/MainIssues/Cyprus/Press+Release+of+the+National+Security+Council.htm>, accessed on 15 July 2007.

⁴¹ Hannay, *op. cit.*, p. 148.

its policy on convincing the Turkish Cypriot leader to agree to a solution. According to David Hannay, the United States and Turkey designed a scenario without the involvement of either the United Nations or Great Britain. Hannay, who was eventually informed of the scenario by Weston, identified its basic elements as follows:

- The United Nations would contact Denktaş and invite him to meet Annan in New York in late July to discuss the way forward with the UN Good Offices Mission;
- After the Annan-Denktaş meeting, de Soto would go to the island to give new impetus to the UN process through discussions on substance;
- It would be agreed in advance of (1) and (2) that all this would lead to substantive talks – without preconditions on any issues – with the secretary-general in September at the latest;
- In subsequent talks the UN would continue discussion with the parties on the specific issues that must be agreed as part of a comprehensive settlement. The parties would also be able to relate their views on the status question;
- It was understood that this scenario for restarting the UN process would not reopen the question of whether the ground had been prepared. The secretary-general's statement on equal status and equality already did that. Reopening this issue would only call into question the continued solidity of the secretary-general's statement,
- The UN would start the process once Turkey could assure them that Denktaş had agreed to this scenario for moving ahead.⁴²

Hannay viewed the agreement as satisfactorily safeguarding all the points to which the UN, as well as the U.S. and the U.K. had attached importance. The Turks also informed the United States that they found the agreement acceptable.

As the deadline for Cyprus's EU accession grew closer, concerns were finally raised in both Europe and the United States about the implications of the accession of a divided Cyprus, and the international community was increasingly blaming Turkey for the deadlock in reaching a settlement. On August 27, 2001,

⁴² *Ibid*, pp. 148-149.

Denktaş and EU Commissioner Verheugen met in Zurich. In order to placate Denktaş, Verheugen conveyed the message that the Commission could accommodate certain restrictions on the EU *acquis* with regard to property acquisition, freedom of movement and freedom of establishment in a comprehensive settlement.⁴³ The following day, Denktaş met with Annan in Salzburg, who reiterated Verheugen's proposals, and Alvaro de Soto, after his visit to Cyprus, declared that "a new and re-invigorated phase of the Secretary-General's good offices would begin with separate meetings of the secretary-general with the two leaders on September 12, 2001 in New York."⁴⁴ However, although the invitation was accepted by Clerides, it was rejected by Denktaş, who argued that common ground had yet to be established.⁴⁵

As a result of his refusal to participate in talks, criticism of the Turkish Cypriot leader from within the United Nations and the European Commission increased, and on September 6, Verheugen issued the following statement:

The European Commission has contributed actively to the efforts of the UN Secretary General to bring about a resumption of the talks aimed at finding a solution to the Cyprus problem. My meeting with the leader of the Turkish Cypriot Community, Denktaş, in Zurich on 27 August 2001, underlined the EU's clear preference for a solution to be reached before enlargement, although this is not a pre-condition for Cyprus accession. Against this background I am very disappointed that Denktaş has not accepted the UN Secretary General's invitation to talks on 12 September. The Commission considers that the window of opportunity for reaching a solution before accession remains open and encourages all interested parties to undertake all efforts with this aim in view.⁴⁶

Verheugen's statement indicates that the EU had decided to accept the Republic of Cyprus as a member whether there was a solution to the Cyprus problem or not. In fact, this was not a new development; according to David Hannay, during his first visit to Turkey following his appointment as special

⁴³ Frank Hoffmeister, *Legal Aspects of the Cyprus Problem: Annan Plan and EU Accession*, (The Netherlands: Martinus Nijhoff Publishers, 2006), p. 107.

⁴⁴ UN Prss Statement of 5 September 2001.

⁴⁵ Anatloia News Agency, 5 September 2001.

⁴⁶ Hoffmeister, *op cit*, p. 108.

representative to Cyprus, he had told Foreign Minister Emre Gönensay that considering the Republic of Cyprus was going to be a member of the EU with or without a settlement, Turkey ought to “get on the train.”⁴⁷

In October 2001, Commission President Romano Prodi visited Denktaş, repeating Verheugen’s proposal and stating that the Commission was prepared to accommodate a Cyprus settlement within the European legal order.⁴⁸ Turkey, too, seemed to be ready for a settlement, as reflected in a statement by Foreign Minister İsmail Cem: “The Mediterranean people are peace lovers. They can drink their coffees and they can solve their problems through negotiations by peaceful means.”⁴⁹ Surprisingly, a few days later, a dinner invitation was forthcoming: in a letter sent directly to Clerides, Denktaş proposed a face-to-face meeting on the island, without preconditions.⁵⁰ In hindsight, the timing of Denktaş’s invitation appears to confirm the existence of the above-mentioned Turkish-U.S. understanding. Clerides accepted Denktaş’s invitation, and the two leaders met at the Ledra Palace on December 4, 2001.

In line with his hegemonic project and strategy, Denktaş suggested that both leaders begin a genuinely new process for negotiating the establishment of a new partnership based on the political equality of the two parties,⁵¹ and he proposed the establishment of a Bilateral Committee under the co-chairmanship of the two Cypriot leaders. Clerides rejected the proposal. Both leaders subsequently agreed to hold talks in Cyprus, at the invitation of the secretary-general and on UN premises, starting in January 2002. There would be no preconditions, all issues would be on the table, negotiations would continue in good faith until a comprehensive settlement was achieved, and “nothing would be agreed until everything was agreed.”⁵²

⁴⁷ David Hannay, personal interview, 19 June 2007.

⁴⁸ Hoffmeister, *op cit*, p. 108.

⁴⁹ Anatolian News Agency, 17 November 2002.

⁵⁰ Report of the Secretary General on the United Nations operation in Cyprus, *S/2001/1122*, 30 November 2001.

⁵¹ Hoffmeister, *op cit*, p. 109.

⁵² *Ibid*, p. 109.

Agreeing to negotiations without preconditions represented a transformation of Turkish Cypriot policy that may be read as a tactical retreat. In order to decrease the international pressure against Turkey and the Turkish Cypriots, the latter revised their rhetoric without giving up their essential policy of equal status and equal sovereignty. It is difficult, however, to state with certainty whether Clerides's agreement to the negotiations stemmed from a genuine willingness to reach a settlement or merely in order to avoid tarnishing his public image and losing international support, which would surely have resulted had he refused to negotiate with Denktaş at this stage in the EU accession process. Whatever their motivations, direct talks between the two leaders started up once again on December 4, 2001.

By January 16, 2002, Denktaş and Clerides were holding meetings three times per week. The Greek Cypriots favored a bi-zonal, bi-communal federation; the Turkish Cypriots preferred a confederation, but ostensibly gave in, proposing a system that was in essence confederal, but with a different name. Denktaş proposed the creation of two states that would enter into a partnership, after which both states would sign the EU Accession Treaty, which would include permanent derogation of certain property rights and basic freedoms.⁵³ Thus, the negotiations started with the topic of governance; however, each side had completely different proposals on governance. Unable to resolve their differences, they moved on to discuss the issues of distribution of power, security and territory.

After a break, talks resumed on March 1, 2002, and on March 7-8, Commissioner Verheugen visited Cyprus to warn the sides not to use any delaying tactics to try and postpone the process because the EU had a timeline and had no intention of telling the other 10 candidate states to wait for a solution on Cyprus. Considering that there had been no progress in the negotiations, Verheugen's statements clearly indicate that the European Union had no wish to postpone Cyprus's membership. After another recess in mid-March, Clerides put forward his offers regarding security before asking Denktaş whether or not he was ready to accept the Greek Cypriot proposals on governance, i.e., a sovereign State of Cyprus with a single constitution, a single international identity, a single

⁵³ *Ibid*, p. 110.

citizenship and two politically equal component parts. Denktaş responded by proposing a new Partnership State of Cyprus, which would be sovereign to the extent defined in a constitutional agreement, with residual powers resting with two sovereign, equal Constituent Partner States.⁵⁴ Apparently, the main difference between the two sides was over sovereignty, with the Greek Cypriots preferring single sovereignty and the Turkish Cypriots demanding two separate-but-equal sovereign states. In other words, the differences between the two sides could be boiled down to the essential differences in their long-competing policies.

As David Hannay later explained, both he and Thomas Weston had advised Clerides to open debate on the security issues.

We pointed out,” Hannay wrote, “that since the Turkish military were unquestionably going to have a major influence on the outcome, it made no real sense to hold back on concessions he was ready to make on security until the end. Better to indicate at an early stage that Turkey’s security concerns could and would be met in a comprehensive settlement.⁵⁵

Both special representatives believed that Denktaş would be willing to offer concessions in terms of governance if he was assured of getting concessions on security, which for him was the issue of greatest concern. However, rather than accept a trade off, the basic differences between the two sides led to another impasse in the negotiations. In order to break the impasse, Annan visited Cyprus and met separately and jointly with Denktaş and Clerides on May 14-16, at the same time asking Turkey and Greece to actively support the process. However, there was no real progress, and direct talks devolved into proximity talks, with de Soto starting to meet separately with the two leaders in hopes of achieving a convergence; however, Denktaş and Clerides were unable to agree on an agenda, and a new deadlock occurred.

At the European Council held in Seville on June 21-22, the European leaders gave their strong support to the UN secretary-general. The Seville Conclusions on Cyprus read as follows:

⁵⁴ *Ibid*, p. 110.

⁵⁵ Hannay, *op cit.*, p. 159.

In respect of the accession of Cyprus, the Helsinki conclusions are the basis of the European Union's position. The European Union's preference is still for the accession of a reunited island. The European Council fully supports the efforts of the Secretary-General of the United Nations and calls upon the leaders of the Greek Cypriot and Turkish Cypriot communities to intensify and expedite their talks in order to seize this unique window of opportunity for a comprehensive settlement, consistent with the relevant UN Security Council resolutions, it is to be hoped before the conclusion of the negotiations. The European Union would accommodate the terms of such a comprehensive settlement in the Treaty of Accession in line with the principles on which the European Union is founded: as a Member State, Cyprus will have to speak with a single voice and ensure proper application of European Union law. The European Union would make a substantial financial contribution in support of the development of the northern part of a reunited island.⁵⁶

As Frank Hoffmeister has explained, this statement sent three main messages to the Cypriot leaders: 1) the EU wishes a more pro-active role for the UN secretary-general; 2) it prefers a settlement to be concluded before the accession negotiations in December 2002; and 3) it would accommodate such a settlement in the Treaty of Accession that was likely to be signed in spring 2003.⁵⁷ In other words, the timeline was a way for the EU to put pressure on the Turkish Cypriots and Turkey; however, no similar pressure was ever brought to bear on the Greek Cypriots.

Direct talks continued from June 2002 to October 2002. The leaders of the two communities negotiated on the issues of security, territory, citizenship, the legislature and executive of the common state and the role of the president in a rotational presidency; they could reach agreement on none of them. Aside from demonstrating the depth of the divide between the two sides, the only positive outcome of direct talks came in October 2002 in New York, where the two leaders agreed to set up technical committees to discuss and develop alternatives with regard to the problematic issues between them. Meanwhile, Denktaş underwent heart surgery in the United States, thus delaying the appointment of the Turkish

⁵⁶ European Council in Seville on 21-22 June 2002, Presidential Conclusions, p. 24 http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/72638.pdf, accessed on 15 July 2007.

⁵⁷ Hoffmeister, *op cit.*, p. 114.

Cypriot members to the technical committees and creating a vacuum, since no one could take over the negotiations on Denktaş's behalf.

Under pressure because of the EU's timeline, UN Secretary-General Kofi Annan outlined a comprehensive plan for a settlement in a 138-page document entitled "Basis for Agreement on a Comprehensive Settlement of the Cyprus Problem" and gave Clerides and Denktaş⁵⁸ one week to decide whether or not they would accept this plan as a basis for final negotiations. Annan's idea was to submit his plan, which became known as "the Annan Plan,"⁵⁹ to twin referendums among the Turkish and Greek Cypriots on March 30, 2003, just before the Republic of Cyprus was expected to sign an accession agreement with the EU. The Annan Plan consisted of a main text comprised of four articles, plus five appendices – a "Foundation Agreement" plus 10 annexes; a set of measures to accompany and facilitate the finalization process; a revised Treaty of Guarantee and Alliance; a list of matters to be submitted to the UN Security Council for decision; and requests to the EU with respect to Cyprus' accession.

The Annan Plan incorporated all the important milestones, principles and agreements heretofore reached by the two sides.⁶⁰ With its backbone constructed out of the principles agreed upon in the 1977 and 1979 High Level Agreements, Perez de Cuellar's Draft Framework Agreement and the Fundamental Principles of Boutros-Ghali's Set of Ideas, the Annan Plan fleshed out the remaining gaps, materializing previous attempts at a solution in order to create the most comprehensive and most detailed plan to address the Cyprus Question. The plan was modified four times – once in December 2002, once in February 2003 and twice in March 2004. Although a detailed comparison of the different versions of

⁵⁸ For the detailed review of Denktaş ideas, see, Fuat Vezirođlu, *Denktaş ve Kıbrıs'ta Son Tango*, (Ankara: Bilgi Yayınevi, 2007).

⁵⁹ For the detailed review of Turkish views on Annan Plan see, Ergün Olgun, "The Annan Plan: Myths and Realities", *TUSİAD*, July 2003; and Ergün Olgun, "Cyprus: Objective Realities, Validity of Greek Cypriot Objections to the Annan Plan, and the Way Forward", *Paper presented for publication in the Outre-Terre Française de Geopolitique*, October 2004. For the US view, see, Thomas Weston, "The Annan Plan: Myths and Realities", *TUSİAD*, July 2003. For a critical review, Niyazi Kızılyürek, *Dođmamış Bir Devletin Tarihi: Birleşik Kıbrıs Cumhuriyeti*, (Ankara: İletişim Yayınları, 2005).

⁶⁰ For a detailed review of the Annan Plan see, Tim Potier, *A Functional Cyprus Settlement: the Constitutional Dimension*, (Zelleberg: Verlag Franz Philip Rutzen, 2007).

the plan remains outside the scope of this thesis, what follows here includes an examination of the most significant aspects of the political framework constructed by the plan.

The Foundation Agreement, Appendix A of the Annan Plan, establishes a new administrative system⁶¹, in line with the Greek Cypriots' desire for a new state of affairs – as opposed to the new state that the Turkish Cypriots were asking for. Whereas the Turkish Cypriots' vision of "Partnership States" would have amounted to a new entity to replace the Republic of Cyprus, under the Annan Plan, the Republic of Cyprus would continue to exist, albeit with a transformed structure. Article 2 of the Foundation Agreement creates the "United Cyprus Republic" which is an independent and sovereign state with a single legal personality and a federal government with two component states, one Turkish and one Greek, based on an indissoluble partnership. The United Cyprus Republic would have a single sovereignty and a single international personality, and it would be a member of the United Nations as well as the European Union. Before the announcement of the Annan Plan, in the direct talks, the Greek Cypriots had argued that the Greek Cypriots and Turkish Cypriots would be co-founders of any common state created by the two communities, whereas the Turkish Cypriots had argued that the co-founders of the common state would be the Turkish Cypriot and Greek Cypriot Partner States of which the common state would be comprised. On sovereignty, whereas the Greek Cypriots had favored single sovereignty, the Turkish Cypriots had favored sovereignty shared equally by each component state.

Article 8 of the Foundation Agreement set out the conditions of demilitarization, allowing for Greek and Turkish contingents of equal size to be stationed on the island, as under the Treaty of Alliance; both the 1959 Treaty of Guarantee and Treaty of Alliance would remain in force and would apply *mutatis mutandis* to the new "state of affairs". Before the plan, the Greek Cypriots had argued that the Treaty of Guarantee should be extended to cover territorial integrity, security and the constitutional order of the self-administrated states; the

⁶¹ See, Kudret Özersay and Sülen Karabacak, "United Cyprus Republic: A New State or a Mere Continuation of the Republic of Cyprus", *unpublished paper*, 2004.

Turkish Cypriots had demanded that the Treaty of Guarantee continue without any changes whatsoever.

According to the plan, the property issue⁶² would be resolved in a comprehensive manner in accordance with international law, respect for the rights of both the dispossessed owners and the current users, and the principle of bizonality, with certain detailed rules for reinstatement or compensation in areas subject to territorial adjustment. Whereas the Greek Cypriots had previously demanded the right of all displaced people to return to their homes and recover their properties, and the Turkish Cypriots, conversely, had demanded global exchange and compensation, the plan created a balanced property regime.

Part Five of Annex I of the Foundation Agreement outlines the legislative, executive and judiciary institutions that would comprise the common state. The legislative branch would be composed of a bicameral parliament representing the people of Cyprus – a Chamber of Deputies composed of 48 Members of Parliament (MP) elected on the basis of proportional representation, but with a minimum of one-fourth of the MPs representing each component state, and a Senate composed of 48 members, 24 from each component state, elected by the people of each component state. The executive branch would be composed of a six-member Presidential Council whose members would be elected, for a fixed term and on a single list, by a two-thirds majority of the parliament; the president and vice-president of the Presidential Council would be rotated every 10 months, and decisions of the Presidential Council would be taken by consensus, or by majority, provided that at least one member from each component state voted in favor. Before the plan, the Greek Cypriots had supported the concept of political equality, which they held did not necessarily entail numerical equality, whereas the Turkish Cypriots held that institutions should reflect the equal status and legitimacy of the co-founder partner states, which they held *did* entail numerical equality.

The judicial branch would comprise, on the common state level, a central Supreme Court with six judges from each component state and three foreign

⁶² See, Kudret Özersay and Ayla Gürel, “Cyprus and the Politics of Property”, *Mediterranean Politics*, 2006, Vol. 11, No 3, pp. 349-369.

judges. The Supreme Court would have jurisdiction in disputes between the levels of government, in determining the constitutionality of laws and over appeals in all other disputes.

There would be a single Cypriot citizenship. All Cypriot citizens would also hold an internal constituent state citizenship status of either the Greek Cypriot State or the Turkish Cypriot State. Cypriot citizenship and internal constituent state citizenship status (Greek Cypriot and Turkish Cypriot) would be complementary. In order to have internal constituent state citizenship status one would first need to be, or would need to become a Cypriot citizen, and no one could hold internal constituent state citizenship status of both constituent states. The Foundation Agreement established the criteria for determining eligibility for Cypriot citizenship as well as for determining the internal constituent state citizenship status of Cypriot citizens.

According to the Annan Plan, the United Cyprus Republic would be a member of the EU. Both the Annan Plan and EU membership would be put to referendums on March 30, 2003, just before the Accession Treaty. However, before making the plan public, the Turkish Cypriots had wanted the EU to work out a transitional arrangement that would provide Turkey with the full rights and obligations of any EU member with regard to the Partnership State, i.e., Cyprus, until Turkey's EU accession; the Greek Cypriots were against any changes in the standard EU accession process.

An interesting point has to do with the contents of the referendums⁶³. The first Annan Plan⁶⁴ included a vote for or against the accession of Cyprus to the

⁶³ See, Kudret Özersay, "Separate Simultaneous Referenda in Cyprus: Was it a Fact or an Illusion?", *Turkish Studies*, 2005, Vol. 6, No. 3, pp. 379-399.

⁶⁴ The referendum question in Annan 1 as follows: "Do you:

- i) Approve the Foundation Agreement and all its Annexes, including the Constitution of Cyprus;
- ii) Approve the Constitution of the [Greek Cypriot/Turkish Cypriot] <component state> and the provision as to the laws to be in force for the <component state>;
- iii) Approve the terms of the draft Treaty between Cyprus, Greece, Turkey and the United Kingdom on matters related to the new state of affairs in Cyprus, and require the signature by the Co-Presidents of the Treaty;
- iv) Approve the accession of Cyprus to the European Union in accordance with the conditions of accession laid down in the draft Treaty concerning accession of Cyprus to the European Union, and require the signature and ratification by the Co-Presidents of the Treaty?

European Union; however, this was changed in the third version,⁶⁵ which included simply a vote for or against the Annan Plan. Frank Hoffmeister has argued that the vote for EU membership disappeared from the referendum so that a negative vote on the referendum would not invalidate Cyprus's EU accession.⁶⁶ This in itself is proof that the EU wanted the Republic of Cyprus as a member, regardless of a settlement on the island; moreover, it seriously begs the question, what is the motivating factor in the EU's insistence on the membership of the Republic of Cyprus, with or without a settlement, and even if this membership were to be rejected by the Cypriots themselves?

In developing the Annan Plan, the U.N. secretary-general was motivated mainly by the imperative to reach an agreement on Cyprus either before the Copenhagen European Council on December 12-13, 2002, or at the council meeting itself, where important decisions were expected on Turkey as well as on Cyprus. With reference to Turkey's candidacy, the Presidential Conclusion of the Copenhagen Council stated:

The Union encourages Turkey to pursue energetically its reform process. If the European Council in December 2004, on the basis of a report and a recommendation from the Commission, decides that Turkey fulfils the Copenhagen political criteria, the European Union will open accession negotiations with Turkey without delay.⁶⁷

Thus, it appears that with the Copenhagen Council, the EU was trying to motivate Turkey to focus on a Cyprus settlement. In the words of one senior EU official, "the ideal outcome would have been to bag a Cyprus settlement, the accession of a united Cyprus, significant forward movement in EU-Turkish relations and a deal on EU defense policy."⁶⁸

⁶⁵ The referendum question in Annan III as follows: "Do you approve the Foundation Agreement with all its Annexes, as well as the constitution of the Greek Cypriot/Turkish Cypriot State and the provisions as to the laws to be in force, to bring into being a new state of affairs in which Cyprus joins the European Union united?"

⁶⁶ Hoffmeister, *op cit.*, p. 127.

⁶⁷ European Council in Copenhagen, Presidential Conclusions, 12-13 December 2002, <http://www.consilium.europa.eu/ueDocs/newsWord/en/ec/73842.doc>, p. 19, accessed on 15 July 2007

⁶⁸ Christou, *op cit.* 2004, p. 90.

The Copenhagen European Council also made the decision to offer the Republic of Cyprus membership in the European Union, preferably following a settlement on the island. As stated in Article 10 of the Presidential Conclusions:

...the European Council confirms its strong preference for accession to the European Union by a united Cyprus. In this context it welcomes the commitment of the Greek Cypriots and the Turkish Cypriots to continue to negotiate with the objective of concluding a comprehensive settlement of the Cyprus problem by 28 February 2003 on the basis of the UNSG's proposals.⁶⁹

However, Article 12 of the Presidential Conclusions also stated the following:

The European Council has decided that, in the absence of a settlement, the application of the *acquis* to the northern part of the island shall be suspended, until the Council decides unanimously otherwise, on the basis of a proposal by the Commission. Meanwhile, the Council invites the Commission, in consultation with the government of Cyprus, to consider ways of promoting economic development of the northern part of Cyprus and bringing it closer to the Union.⁷⁰

In other words, Cyprus would be admitted to the EU with or without a solution. The EU's fundamental logic was based on one of functional economics, and in line with these concerns, it dangled economic carrots in front of the Turkish Cypriots in order to get them to make concessions for a settlement of the Cyprus problem.

Efforts to resolve the Cyprus Question continued down to the wire, with Special Representatives de Soto, Weston and Hannay, as well as representatives of the Turkish and Greek Cypriots in Copenhagen to negotiate a settlement agreement and – if one was forthcoming – to sign an agreement and secure European Union membership for a United Cyprus Republic. Due to Denktaş's surgery, the Turkish Cypriots were represented by TRNC Foreign Minister Tahsin Ertuğruloğlu. It appears that the Greek Cypriot side was inclined to sign during the

⁶⁹ European Council in Copenhagen, Presidential Conclusions, 12-13 December 2002, <http://www.consilium.europa.eu/ueDocs/newsWord/en/ec/73842.doc>, p. 10, accessed on 15 July 2007.

⁷⁰ European Council in Copenhagen, Presidential Conclusions, 12-13 December 2002, <http://www.consilium.europa.eu/ueDocs/newsWord/en/ec/73842.doc>, p. 12, accessed on 15 July 2007.

Copenhagen meeting, if the Turkish Cypriot side would similarly commit itself. According to former Greek Cypriot President George Vassiliou, Clerides was willing to sign the agreement out of a sincere desire to solve, at long-last, the Cyprus problem; this, says Vassiliou, represents a turning point in the history of Cyprus.⁷¹ While no agreement was ready in time for the Copenhagen Summit, the Presidency Conclusions called for a continuation of negotiations until February 28, 2003, which would be the last opportunity to secure the reunification of Cyprus prior to the signing of the Treaty of Accession.

Direct talks under UN auspices resumed in January 2003, but again failed to deliver a settlement by February 2003, despite the publication of a third version of the Annan Plan. After the failure, Kofi Annan invited the leaders to meet on March 11, 2003 in the Hague, where, notwithstanding the lack of agreement between the leaders, the UN secretary-general expected to receive a response to his request to submit the third plan to referendum. When the response turned out to be negative, Annan organized a press conference, in which he identified the positions of the actors vis-à-vis a referendum in the following press statement:

...Mr. Papadopoulos answered that he was prepared to do so, as long as the people knew what they are being asked to vote on. To that end he wished to be sure that the gaps regarding federal legislation, as well as constituent State constitutions, would be filled. He underlined the importance of Greece and Turkey agreeing and committing to the security provisions in the plan. Furthermore, considerably more time was needed than was available for a proper public campaign on the referendum to be carried out. These conditions need to be fulfilled before a referendum can take place. He said he was prepared not to re-open its substantive provisions if the other side was prepared to do likewise.

Mr. Denktas answered that he was not prepared to agree to put the plan to referendum. He said he had fundamental objections to the plan on basic points. He believed that further negotiations were only likely to be successful if they began from a new starting point and if the parties agreed on basic principles. He added that Turkey was in any case not in a position to sign the statement requested of the guarantors because this first required the authorization of parliament.⁷²

⁷¹ George Vassilou, personal interview, 24 July 2007.

⁷² Kofi Annan, press statement on 10 March 2003, <http://www.un.org/News/Press/docs/2003/sgsm8630.doc.htm>, accessed on 15 July 2007.

With this statement, Secretary-General Annan also reported to the UN Security Council that his mission would now come to an end.⁷³

On April 16, 2003, in Athens, together with nine other countries, the Republic of Cyprus, not Cyprus, signed the Accession Treaty, enabling the Republic of Cyprus to become a full member of the European Union as of May 1, 2004. In line with Protocol 10 of the Treaty, the application of the EU *acquis* would be suspended in northern Cyprus, leaving these areas outside the Customs Union and fiscal territory of the Union. In June 2003, the European Commission proposed a package of measures that were designed to promote the economic development of northern Cyprus and bring it closer to the EU. This initiative consisted of financial assistance worth €12 million, along with additional measures aimed at promoting trade between the northern part of Cyprus and the rest of the Union.⁷⁴ Once more, the EU was attempting to use its economic strength as a carrot to tempt the Turkish Cypriots into a settlement on Cyprus. More importantly, the EU was trying to keep the Turkish Cypriots on track because it believed that the time remaining until the Republic of Cyprus officially became an EU member on May 1, 2004 was sufficient for the Turkish and Greek Cypriots to negotiate a solution to the problem. As Gunter Verheugen declared at the time:

There is a window of opportunity for a united Cyprus joining the European Union by 1 May 2004. The Commission is ready to assist any further effort to contribute to a comprehensive settlement on the basis of the UN plan, which remains on the table. Meanwhile, in line with the request of the European Council, we should do all we can to help the people of the northern part of Cyprus.⁷⁵

In terms of trade relations, the Turkish Cypriot Chamber of Commerce provided that goods were inspected by the appropriate authorities;⁷⁶ however, the Turkish and Greek Cypriots disagreed as to who, exactly, the “appropriate”

⁷³ UN Security Council Resolution 1475 of 14 April 2003, see Annex 39.

⁷⁴ Christou, *op cit.* 2004, p. 92.

⁷⁵ *Ibid*, pp. 92-93.

⁷⁶ Tocci, *op cit.*, p. 84.

authorities were. According to the Greek Cypriots, the only genuine authority on the island was the Republic of Cyprus. As a result of this debate, the EU Commission suspended its offer to trade with northern Cyprus. The Greek Cypriots opposed any EU action that might serve to strengthen the TRNC and remove its imposed isolation, wishing to maintain any and all authority in their own hands so as to force the Turkish Cypriots to agree to their terms. Thus, the EU process had created a tactical struggle between the hegemonic projects of the Greek and Turkish Cypriots.

It may be argued that the time pressure created by the EU accession schedule worked to the advantage of the United Nations, enabling it to develop a plan that both Greek Cypriot and Turkish Cypriot leaders could, on principle, agree to in terms of workability. However, once the plan was set in motion, the EU did not offer any flexibility, but merely financial assistance to the TRNC, in the event that it reunited with the Republic of Cyprus.⁷⁷ It is therefore possible to state that the EU expected to be able to achieve a settlement by employing an economic-based, carrot-or-stick policy to break the impasse in negotiations instead of trying to understand the roots of the Cyprus conflict and develop its policies accordingly.

Between April 2003 and April 2004, during the ratification process of the Republic of Cyprus's EU accession, several attempts were made to close the gap between the two sides to enable them to reach a solution. Although the position papers they exchanged with proposed changes to the Annan Plan were mutually exclusive, the two leaders agreed to meet again in Burgenstock, Switzerland on March 24, 2004, along with representatives of Turkey and Greece. As a result of these negotiations, on March 29, Kofi Annan presented a fourth version of his plan – which was replaced by a fifth version, presented on March 31. It was this fifth and final version that the two sides agreed to put to a referendum. Twin referendums took place on April 24; the Turkish Cypriots passed the referendum with a 64.9 percent vote in favor, but the Greek Cypriots rejected the referendum with a 76.8 percent vote against. Accordingly, the Annan Plan did not enter into

⁷⁷ Doğa Ulaş Eralp and Nimet Beriker, "Assessing the Conflict Resolution Potential of the EU: The Cyprus Conflict and Accession Negotiations," *Security Dialogue*, 2005, Vol. 36, No. 2, p. 186.

force, and on May 1, 2004, the Republic of Cyprus entered the European Union as a divided island under the status quo.

Once again, the Cyprus question could not be solved, this time because of the rejection of the Greek Cypriots. While an analysis of the referendum results lies outside the scope of this thesis, it does present the following analysis of the internal and international developments leading up to the first referendum in Cyprus history, with special focus given to the European Union's strategy and its failure in the referendum.

Over the course of the direct negotiations between the Turkish and Greek Cypriots, the Turkish Cypriots shifted their official stance from one of confederation at the start of negotiations in 2002 to one based on a more moderate premise that moved the emphasis away from confederation. Instead, Denktaş advocated two politically equal states that would form a new partnership with a single international personality. Denktaş also accepted the fact that this partnership would join the EU as a single, fully-functioning member-state before Turkey.⁷⁸ This shift was mainly the result of a realization on the part of the Turkish Cypriots that their perceived intransigence was neither helping their cause of preventing the unilateral accession of the Republic of Cyprus, nor was it contributing towards securing a settlement that reflected Turkish Cypriot concerns.⁷⁹ The Turkish Cypriots were primarily concerned that re-launching negotiations would delay the accession of the Republic of Cyprus. If they were able to show that it was the Greek Cypriots who did not want a solution in Cyprus, then the EU, taking all relevant factors into consideration, might delay the Republic of Cyprus's accession to the EU, or prevent it entirely.

The positive atmosphere dissipated in 2002, when a political crisis erupted in Turkey and early elections were scheduled for November 3. In the run-up to the polls, Şükrü Gürel replaced İsmail Cem as foreign minister, and the Turkish

⁷⁸ Turkish Republic of Northern Cyprus, "Rauf Denktaş's Letter to the UN Secretary General", 10 November 2001, paragraph 11. <http://www.mfa.gov.tr/MFA/ForeignPolicy/MainIssues/Cyprus/CyprusLetter14112001.htm>, accessed on 15 July 2007.

⁷⁹ Nathalie Tocci, "Towards Peace in Cyprus: Incentives and Disincentives", *The Brown Journal of World Affairs*, 2003, Vol. 10, No. 1, p.200.

government adopted a more nationalistic, anti-EU stance, with the Turkish Cypriots following suit. In August 2002, Denktaş publicly announced the possible failure of negotiations, saying, “If talks do not work out by the end of the year, and if the EU makes the mistake of saying they will accept Cyprus now as it is, then we have to look for new alternatives for our future.”⁸⁰ Thus, Denktaş once again laid emphasis on integration with Turkey, should the Republic of Cyprus become an EU member unilaterally, and in line with this policy, in September 2002, three cooperation agreements were signed between Turkey and the TRNC.

The situation changed again with the Justice and Development Party’s (AKP) victory in the November 3, 2002 elections. The new government had two major foreign policy goals, namely, zero problems with its neighbors, and membership in the European Union. Unlike its predecessors, the AKP started to pressure Denktaş to negotiate the Annan Plan, whose publication had come just one week after the Turkish elections. In line with their slogan, “No solution is not a solution,” the AKP declared its intent to reach a settlement at the European Council in Copenhagen. In order to achieve these aims, the AKP put forward a more comprising tone and did not shy away from openly blaming Denktaş.

It can be argued that the Greek Cypriots interpreted this conciliatory approach as a sign that the AKP government was ready to concede even more ground in the dispute, and thus persisted in their refusal to negotiate with the Turkish Cypriots.⁸¹ İsmail Cem criticized the AKP government for blaming Denktaş openly, saying that although Denktaş’s December 4, 2001 proposals had increased the international support for the Turkish Cypriots, the AKP statements would weaken Denktaş’s hand at the negotiating table.⁸² The EU also supported the AKP government for the sake of its hegemonic project in Cyprus. Thus, the conjectural overlapping interests of international structures and the AKP government’s Cyprus policy resulted in a ‘honeymoon’ atmosphere for about three

⁸⁰ Tocci, *op cit.* 2004, p. 85.

⁸¹ Türkeş, *op cit.*, p. 165.

⁸² İsmail Cem, *Türkiye, Avrupa, Avrasya*, Birinci cilt, (İstanbul: İstanbul Bilgi Üniversitesi Yayınları, 2004), p. 249.

years.⁸³ It appears that the AKP government wanted to demonstrate to the international community that it was not the Turkish Cypriots, but the Greek Cypriots who did not want to solve the Cyprus problem. In trying to decrease the international pressure on Turkey, the new government enacted a radical change in policy that set in motion additional developments. The AKP appeared willing to acknowledge the link between Turkey's accession process and a Cyprus settlement that the Ecevit government had denied. In fact, then-Prime Minister Gül wanted this link strengthened. "If a concrete date is given to Turkey," he stated, "this will definitely create a positive environment that will also facilitate the settlement of the Cyprus problem."⁸⁴ Gül's statement was an important tactical mistake, as it projected the impression that Turkey would be ready to make important concessions on Cyprus in order to secure its candidacy; the Greek Cypriots made use of this idea both during the negotiations and after the referendum. Furthermore, the AKP government's open dissatisfaction with Denktaş, whom it accused of not really wanting a solution, also triggered opposition to Denktaş within the TRNC.⁸⁵

A financial crisis in the TRNC in 2000 and another in Turkey in 2001 that had a direct impact on the economy of the TRNC nearly brought about the collapse of the TRNC economy. The EU attempted to make use of the crises and the resulting deterioration in the economic circumstances of the Turkish Cypriots to achieve its hegemonic project. The EU's strategy here was based primarily on an economic-functional logic, as the Commission offered the Turkish Cypriots not only an allocation of post-accession funds for the reconstruction of northern Cyprus, but substantial sums of money at the pre-accession stage in the hope of stimulating the necessary political will to reach a solution on the island.⁸⁶ To these

⁸³ Türkeş, *op cit.*, p. 166.

⁸⁴ Tocci, *op cit.* 2003, p. 203.

⁸⁵ For the critics of the AKP strategy, see, Bilal N. Şimşir, *AB, AKP ve Kıbrıs*, (Ankara: Bilgi Yayınevi, 2004). For general analysis, see, Müge Kınacıoğlu, "The Domestic Dynamics of Turkey's Cyprus Policy: Implications for Turkey's Accession to the European Union", *Turkish Studies*, 2006, Vol. 7, No. 2, pp. 261-273; Gülnür Aybet, "Turkey and the EU After the First Year of Negotiations: Reconciling Internal and External Policy Changes", *Security Dialogue*, 2006, Vol. 37, No. 4, pp. 529-549.

⁸⁶ Christou, *op cit.* P. 95.

economic incentives, the EU added political and social incentives such as lifting their isolation and reconnecting northern Cyprus with the rest of the Europe. The EU argued that isolation increased the TRNC's dependence on Turkey, which led to a growing sense among the Turkish Cypriot public that they were not democratically governing themselves, but were being controlled by Ankara.⁸⁷ In other words, the isolation of the Turkish Cypriots increased their desire to accede to the Union, partly as a mechanism for securing democratic self-government in northern Cyprus. Ironically, it was the EU that had consolidated the TRNC's isolation, yet it was able to use the concept of isolation to mobilize the Turkish Cypriot public to pressure Denktaş into negotiations. The EU's efforts at mobilizing support for EU membership were linked to the publication of the Annan Plan, which demonstrated how a resolution to the Cyprus Question, together with EU membership, could satisfy the basic needs of the Turkish Cypriots.

One of the most important outcomes of this policy was the transformation of the elites in Cyprus.⁸⁸ From 2002 onwards, the Turkish Cypriot elites have led periodic mass protests against the status quo on the island. In addition to protesting against Denktaş, they made a variety of demands, such as calling on Denktaş to negotiate a sustainable peace settlement and sign an agreement with the Greek Cypriots on the basis of the Annan Plan; to accept EU membership and thus facilitate movement towards an internationally recognized society within the EU that is not isolated from the rest of the world; and to put a halt to mass emigration of the Turkish Cypriots from the north of the island. Thus, the elites who had previously legitimized the Denktaş regime had started to criticize the Turkish Cypriot leader and his policies.

Another important development was the establishment of the Common Vision Group under the leadership of the Turkish Cypriot Chamber of Commerce

⁸⁷ Nathalie Tocci and Tamara Kovaridze, "Cyprus", *Europeanization and Secessionist Conflicts: Concepts and Theories*, 2002, <http://www.ecmi.de/jemie/download/1-2004Chapter1.pdf>, accessed on 15 July 2007, p.32.

⁸⁸ See, Nathalie Tocci, "The Cyprus Question: Reshaping Community Identities and Elite Interests within a Wider European Framework", *CEPS Working Document No 154*, September 2000; and Hannes Lacher and Erol Kaymak, "Transforming Identities: Beyond the Politics of Non-Settlement in North Cyprus", *Mediterranean Politics*, 2005, Vol. 10, No. 2, pp. 147-166.

together with 92 NGOs. In 2001, the Common Vision Group made the following declaration:

We support the direct talks aimed at finding a political settlement in Cyprus and the EU membership of the new Partnership State that will form with the solution. The fact that the Cyprus problem remains unresolved affects the Turkish Cypriots adversely and leads to large-scale emigration. In order to solve our problems, we need a solution to the Cyprus problem and EU membership. The Cyprus problem must be solved before the end of year 2002.⁸⁹

Clearly, this was a statement that the EU was happy to hear. The Common Vision Group also outlined its basic criteria for a solution, as follows:

The establishment of a new Partnership State that will have responsibilities and use of sovereignty, based on the political equality of sides; the establishment of component states with equal rights, each with its own responsibilities and use of sovereignty; transfer of those uses of sovereignty required by the EU membership; the formation of a solution as a package, whereby the Treaty of Guarantee is preserved; The new Partnership State should have effective legislative, administrative and juridical structure, sufficient enough to carry out its relationships with the EU, with a single international legal identity; and the settlement of the land and property issues in Cyprus should be in a way that will not give rise to new refugees, at a large scale.⁹⁰

These criteria are similar to proposals made by Denktaş, and in some cases even the wording is the same. This shows that while the Turkish Cypriots themselves may have undergone a transformation, the fundamental Turkish Cypriot hegemonic project, which is based on political equality and shared sovereignty, maintained continuity and was still accepted by the elites and NGOs in northern Cyprus. Thomas Diez, who concurs on this transformation of the Turkish Cypriot elite, notes that the European Union spent a tremendous amount of money in organizing conflict-resolution groups among the Turkish and Greek Cypriots, especially the Turkish Cypriots.⁹¹ The greater focus given to the Turkish

⁸⁹ *Common Vision of Turkish Cypriot Civil Society*.

⁹⁰ *Ibid.*

⁹¹ Thomas Diez, personal interview, 25 June 2007.

Cypriots is in line with the EU's identification of the Turkish Cypriots as the side that stood in the way of a solution on the island.

In connection with this transformation of the elite, the TRNC political parties, especially the center-left CTP and the Peace and Democracy Movement (BDH), adopted pro-Annan plan and pro-EU policies, as seen, for example, in the CTP's pre-referendum slogan, "Vote yes to reconnect to Europe." Thus, the cycle of transformation in Cyprus has been similar to the transformation process explained by Andreas Bieler, in which change begins with the declarations of local or international NGOs, after which political parties adopt new policies in line with the NGO declarations, which then receive popular support from the larger society, thus enabling the establishment of a new hegemonic project.⁹² In northern Cyprus, the cycle of transformation was completed as a result of the CTP's victory⁹³ in elections on December 14, 2003. However, as the CTP did not win an outright majority, it was required to form a coalition government with the DP, a party with more skeptical views of both the Annan Plan and EU membership. Despite their internal differences, the two parties agreed to work together to improve the Annan Plan, and at the end of the negotiations, agreed to sign the fifth version of the plan and put it to a referendum.

When, in December 2001, the Greek Cypriot leadership gave its immediate acceptance to the Turkish Cypriot proposal for a resumption of direct talks, the Greek Cypriots displayed little flexibility on the questions of sovereignty and state succession.⁹⁴ These are clearly the two bottom lines for the Greek Cypriots. There

⁹² Andreas Bieler, "The Struggle over EU Enlargement: a Historical materialist Analysis of European Integration", *Journal of European Public Policy*, 2002, Vol. 9, No. 4, pp. 582-584.

⁹³ For the analysis of CTP's victory in the elections, see, Ahmet Sözen, "The Turkish Cypriot Legislative Election of February 2005: The Rise of CTP/BG", *South European Society and Politics*, 2007, Vol. 10, No. 3, pp. 465-475.

⁹⁴ See, Christoporos Christophorou, "Party Change and Development in Cyprus 1995-2005", *South European Society and Politics*, 2006, Vol. 11, No. 3-4, p. 513-542; Christoporos Christophorou, "The Vote for a United Cyprus Deepens Divisions: The 24 April 2004 Referenda in Cyprus", *South European Society and Politics*, 2005, Vol. 10, No. 1, pp. 85-104; Christoporos Christophorou, "A European Course with a Communist Party: The Presidential Election in the Republic of Cyprus, February 2003", *South European Society and Politics*, 2003, Vol. 8, No. 3, pp. 94-118; and Ioannis Katsouradis, "Europeanization and Political Parties in Accession Countries: The Political Parties of Cyprus", *paper presented for the EpsNet 2003 Plenary Session*; and Craig Webster, "Division or Unification in Cyprus? The Role of Demographics, Attitudes and Party Inclination on Greek

are more than one answers to the question as to whether the Greek Cypriots accepted the Turkish Cypriot invitation because they sincerely wanted to solve the Cyprus problem or merely out of tactical reasons. First, it may be that the Greek Cypriots engaged in direct talks as a show of “good behavior,” thus preserving their positive image in the international arena and ensuring smooth implementation of the EU strategy. Second, it might be argued that the Greek Cypriots engaged in direct talks with a genuine commitment to reaching an early solution; this is not unlikely, considering what the Greek Cypriots had to gain from the settlement. While they would not benefit much in terms of immediate economic gains, and they would lose some of their sovereignty to the Turkish Cypriots, with whom they would have to share, the Greek Cypriots had much to gain in terms of territory, as well as in a reduction of Turkish troops stationed on the island.

Another factor in the outcome of the referendums was the role of Greece.⁹⁵ The Simitis Government shifted its policy to advocate for Turkey’s EU membership, in accordance with the following statement by George Papandreou:

Our mutual interests can outweigh our political differences. We can and must resolve these differences through peaceful means, on the basis of international law and norms, and at the International Court of Justice... Helsinki in December 1999 marked a historic turning point in Greek-Turkish relations. Helsinki...represents the beginning of new and equally courageous Greek initiatives.⁹⁶

Cypriot Preferences for a Solution to the Cyprus Problem”, *Ethnopolitics*, 2005, Vol. 4, No. 3, pp. 299-309.

⁹⁵ For the details and transformation of the Greek Foreign policy, see, Kevin Featherstone, “Introduction: Modernisation and the Structural Constraints of Greek Politics”, *West European Politics*, 2005, Vol. 28, No. 2, pp. 223-241; Melek Fırat, “Soğuk Savaş Sonrası Yunanistan Dış Politikasının Yeniden Biçimleniş Süreci”, in *Türkiye’nin Komşuları*, ed. by Mustafa Türkeş and İlhan Uzgel, (Ankara: İmge Yayınları, 2002), pp. 21 -73; Bülent Gökay, *Turkey, Greece and Cyprus*, (Keele: Keele European Research Centre, 2004); and Petros Molyviatis, “Greek Foreign Policy for the Twenty-First Century”, *Mediterranean Quarterly*, 2005, Vol. 16, No. 1, pp. 11-15. Also for the Greek-Turkish dilemma, see, Neophytes G. Loizides, “Greek-Turkish Dilemmas and the Cyprus EU Accession Process”, *Security Dialogue*, 2002, Vol. 33, No. 4, pp. 429-442; and Mustafa Kibaroglu, “Ege-Doğu Akdeniz Denklemine Kıbrıs’ın Stratejik Konumu ve Annan Planı”, *Mülkiye*, Kış 2004, Vol. 28, Sayı 242.

⁹⁶ George Papandreou, “Principles of Greek Foreign Policy”, *Mediterranean Quarterly*, 2001, Vol. 12, No. 1, p. 7.

In fact, the accession of the Republic of Cyprus would strengthen the Greek voice within the EU, increasing Greece's capacity to block Turkey's membership.⁹⁷

Both tactical and strategic considerations similarly played into Greek Cypriot official thinking and ensuing action. The question of delaying a settlement until after accession was openly discussed in southern Cyprus. Had the 2002 talks been conducted out of predominantly tactical reasons to secure EU membership, the Greek Cypriot goodwill in the ongoing negotiations would surely have faltered.⁹⁸ When Tasos Papadopoulos was elected as the new president of the Greek Cypriots, he began implementing nationalistic policies. Papadopoulos was not in favor of the negotiations. Once he was elected president, he declared he would fight for the right of all displaced persons to return in conditions of safety and called for radical changes in the Annan Plan. As a result of international pressure, Papadopoulos agreed to put the plan to a referendum, but on April 10, 2004, he declared to the Greek Cypriot public: "I call on you to reject the Annan plan. I call on you to say a strong no. I am asking you to defend what is right, your dignity and history."⁹⁹ Not only is this a concrete example of the tactical maneuvers engaged in by the Greek Cypriot leadership, it also appears to be an accurate reflection of popular opinion: two weeks after Papadopoulos's speech, the referendum on the Annan Plan was rejected by 76 percent of the Greek Cypriot population.

7.3 Crisis of the EU Hegemonic Project: the Post-Referendum Period

The results of the referenda proved that while the Turkish Cypriot side had the necessary good will, the Greek Cypriot side was not yet ready to share power with and accept the political equality of the Turkish Cypriots. However, in spite of

⁹⁷ Tözün Bahçeli, "The Lure of Economic Prosperity versus Ethno-Nationalism: Turkish Cypriots, the European Union option, and the Resolution of Ethnic Conflict in Cyprus," in *Minority Nationalism and the Changing International Order*, ed. By M. Keating, and J. McGarry, (Oxford: Oxford University Press, 2001), pp. 215-216.

⁹⁸ Tocci, *op cit.* 2003, p. 205.

⁹⁹ Christou, *op cit.*, p. 112.

these results, the Greek Cypriot community under the Republic of Cyprus became an EU member on May 1, 2004, while the Turkish Cypriot community was left out. In other words, the Turkish Cypriots were punished for their cooperation, whilst the Greek Cypriots were rewarded for their intransigence. This shows that the EU failed to solve the Cyprus problem.

The major reason behind the failure of the EU in Cyprus was that it misunderstood and misanalyzed the Cyprus Question and thus designed a strategy based on false premises. The EU constructed its strategy based on the assumption that it was the Turkish Cypriots who were preventing solution and settlement of the Cyprus problem, and so it was the Turkish Cypriots and Turkey who needed to be won over. According to numerous Cyprus experts – Andrew Rasbash¹⁰⁰, head of the EU’s Turkish Cypriot Task Force; Georg Ziegler,¹⁰¹ the deputy head of the Turkish Cypriot Task Force; David Hannay,¹⁰² the former UK Special Representative to Cyprus; James Ker Lindsay,¹⁰³ a research fellow at Kingston University; and Thomas Diez,¹⁰⁴ head of the Department of Political Science at Birmingham University – the EU accepted the Greek Cypriots’ readiness to solve the Cyprus problem as a given. Ziegler has stated that up until Greek Cypriot leader Papadopoulos’s televised speech to the Greek Cypriot public on April 8, 2004, the EU had been convinced that the Greek Cypriots would vote yes on the referendum.¹⁰⁵ On April 21, 2004, before the European Parliament, Commissioner Verheugen stated:

¹⁰⁰ Andrew Rasbash, personal interview, 21 June 2007.

¹⁰¹ Georg Ziegler, personal interview, 21 June 2007.

¹⁰² David Hannay, personal interview, 19 June 2007. For Hannay’s analysis of the referendum and post-referendum period, see, David Hannay, “Cyprus: Not Yet a Problem Solved”, in *The EU & Turkey: A Glittering Prize or a Millstone*, ed. by Micheal Lake, (London: Federal Trust for Education and Research, 2005); David Hannay, “Cyprus: Missed Opportunities and the Way Ahead”, *Journal of Southern Europe and the Balkans*, 2004, Vol. 6, No. 1, pp. 7-12; and David Hannay, “Cyprus: Lessons from the Debacle of 2004 and the Way Ahead”, *The Round Table*, 2006, Vol. 95, No. 383, pp. 95-100.

¹⁰³ James Ker Lindsay, personal interview, 18 June 2007.

¹⁰⁴ Thomas Diez, personal interview, 25 June 2007

¹⁰⁵ Georg Ziegler, personal interview, 21 June 2007.

I have held dozens of talks with ex-president Clerides and President Papadopoulos on this basis. There can be no misunderstanding. We had a clear agreement: we would arrange Cyprus's accession, and they would ensure that no settlement collapsed on account of the Greek Cypriots...the Government of the Republic of Cyprus reaffirmed that it endorsed the basic framework of the Annan Plan, saying that it wanted minor points to be amended, but 'within the parameters of the plan,' I quote, within the parameters of the plan. President Papadopoulos statements after the end of the talks in Switzerland amount to the fundamental rejection of the basic principles set out in the plan. Based on what President Papadopoulos said, I can only conclude that the Government of Republic of Cyprus now rejects the federal solution to the Cyprus problem, which is based on the coexistence and equality of the Greek and Turkish Cypriots and is endorsed by the United Nations and the entire international community...I feel personally cheated by the Government of the Republic of Cyprus.¹⁰⁶

Verheugen's reading of the situation is correct – considering that the Greek Cypriots rejected a federal solution, the idea of which they had supported since 1960 – yet in spite of this, the EU took no action. The EU had mistakenly viewed the Cyprus problem as a “Denktaş problem” – yet Denktaş had been bypassed in December 2003, and still there was no solution. Clearly, the problem in Cyprus is not the problem of one individual – it is a problem of the EU's reading and analysis, which instead of solving the problem, has merely transformed it.

As David Hannay has stressed, neither the EU nor any of the other international actors had placed any conditions on the Republic of Cyprus's EU accession.¹⁰⁷ The absence of conditionality was purposely designed to avoid giving Turkey and the Turkish Cypriots any political leverage with which to block the accession of the Republic of Cyprus. As Thomas Diez has argued, in its initial acceptance of the Greek Cypriot application for EU membership on behalf of the whole island, the EU appeared to have sided with the Greek Cypriots, thus strengthening their hand in negotiations¹⁰⁸ and changing the balance of power

¹⁰⁶ Gunther Verheugen Speech at the European Parliament Plenary Session, 21 April 2004. For the full text of the speech see Annex 40.

¹⁰⁷ David Hannay, personal interview, 19 June 2007.

¹⁰⁸ Thomas Diez, “Last Exit to Paradise? The European Union, the Cyprus conflict and the Problematic ‘Catalytic Effect’”, in *The European Union and the Cyprus Conflict: Modern Conflict*,

between the Turkish and Greek Cypriots. The results of this can be seen in the Greek Cypriot strategy during the post-referendum period as well. Greek Cypriot leader Papadopoulos based his policy on Turkey's EU accession negotiations – over which all EU members, including the Republic of Cyprus, wield veto rights – because he expected to benefit more from these negotiations than from his own negotiations with the Turkish Cypriots for a comprehensive settlement of the Cyprus Question.

Another problem with the EU's strategy is that it established 1974 as the start of the Cyprus problem, and, in line with this rhetoric, failed to take into account the earlier developments. Interestingly, the EU never attempted to start its analysis from 1960 or earlier. Had it done so, the EU would have understood the Turkish Cypriots' insistence on political equality and power sharing.

The EU also became hostage to the link, established by Greece, between the accession of the Republic of Cyprus and eastern enlargement. As a result, instead of placing conditions on both communities in Cyprus, it chose, shortsightedly, to do so with the Turkish Cypriots only. Had it employed the stick with the Greek Cypriots as well, it may have been possible to secure a settlement on Cyprus.

Moreover, it is difficult to understand how the EU could have expected both sides in Cyprus to accept the Annan Plan, which was presented as a comprehensive settlement plan, once the Republic of Cyprus had been accepted as an EU member. This begs the question as to whether or not the EU and the other actors involved truly intended to reach a settlement on Cyprus.

Finally, it should be noted that the EU had outlined its policy by defining which side was responsible for the failure of UN negotiations on Cyprus. Although it is clear that the EU considered the Turkish Cypriots responsible for the overall failure, it is not clear why the EU did not hold the Republic of Cyprus responsible for the failure of the Annan Plan. Had the EU done so, then it should have worked to improve the conditions of the Turkish Cypriots. However, following the

referendum¹⁰⁹, the EU approved a number of regulations – the Green Line Regulation, the Free Trade Regulation and the Financial Aid Regulation – to meet the demands of the Turkish Cypriots in terms of decreasing their isolation. Of these, only the Financial Aid Regulation was fully materialized by the EU. A limited version of the Green Line Regulation was put into force, but did not provide much in the way of fulfilling the needs of the Turkish Cypriots. Implementation of the Free Trade Regulation, which would open direct trade for the Turkish Cypriots, was prevented by the Greek Cypriots in line with their hegemonic discourse, which opposes economic development of the Turkish Cypriots. It should be noted that all of the above-mentioned reasons behind the failure of the EU's hegemonic project in Cyprus are also indicative of the Union's inherent bias against the Turkish Cypriots.

The only state to benefit from Cyprus's EU accession was the United Kingdom. Protocol 3¹¹⁰ of the Accession Treaty (Annex 42) regarding the Sovereign Base Areas¹¹¹ (SBAs) of the United Kingdom in Cyprus registers the SBAs to the EU acquis, but exempts them from EU legislation. In so doing, the EU has created a sovereign territory within the EU. Although the SBAs are included within the Community Customs territory, the protocol provides the UK with certain reliefs and exemptions with regards to duties and taxes on supplies to its forces and personnel. In registering the sovereignty of the SBAs, the UK was able to prevent any other country from stationing troops on Cyprus. While this is clearly in line with British national interests, it may also be expected to provide the U.K. with added incentive to focus on finding a solution to the Cyprus problem.

¹⁰⁹ For the analysis of post-referendum period, see, Amanda Akçakoca, "Cyprus-Looking to a Future Beyond the Past", *EPC Issue Paper No 32*, May 2005; James Ker Lindsay, "The Cyprus Referendum: The Causes and Consequences of Rejection", *Southeast European Studies Programme, St. Anthony College, Oxford University*, 28 May 2004; and, Hubert Faustman, "The Cyprus Question Still Unsolved: Security Concerns and the Failure of the Annan Plan", *Südosteuropa Mitteilungen*, 06/2004, pp. 44-68.

¹¹⁰ For the full text of Protocol 3, see Annex 42.

¹¹¹ For the detailed review of the British Sovereign Bases, see, Costas M. Constantinou and Oliver P. Richmond, "The Long Mile of Empire: Power, Legitimation and the UK Bases in Cyprus," *Mediterranean Politics*, 2005, Vol. 10. No.1.

As far as the United States was concerned, during this period, it favored continuation of negotiations between the Turkish and Greek Cypriots. A clash between Turkey and the European Union over Cyprus's accession could increase inter-communal tensions on the island, which could lead regional instability that could in turn affect U.S. policies and interests in the Middle East and alienate Turkey from Europe and the West. The primary U.S. interests during this period were preventing any EU-Turkey or Turkey-Greece clashes and maintaining stability in the Eastern Mediterranean.¹¹²

As Tim Potier has suggested the Cyprus problem appears to have entered a new stalemate.¹¹³ Since the referendum, there have been no serious UN-sponsored negotiations, nor have the leaders of the two communities met face-to-face. An increasing number of people, both on the island and abroad, are beginning to conclude that the Cyprus problem is unsolvable. The Turkish Cypriots, in particular, feel betrayed by the EU and have started to seek alternative options. The failure of the EU hegemonic project in Cyprus is proof that the EU lacks the capacity for conflict resolution. As a result, the formation of a historic bloc was undermined and a new conjecture created. Unable to resolve the Cyprus issue, the EU's hegemonic project transformed it from one paradigm to another; in other words, the EU reproduced the Cyprus problem, transforming it and multiplying it, thus establishing a new status quo on Cyprus.

It may be stated that three main tendencies in the discussions over the future of Cyprus have surfaced during the post-Annan-referendum period. The first of these had to do with sovereignty accumulation,¹¹⁴ which refers mainly to the acknowledgment and consolidation of the two states on the island. Another

¹¹² For the details of US policy, see, Henri Berkey and Philip Gordon, "Avoiding a Cyprus Crisis," *The Brookings Institute Policy Brief*, No 102, June 2002; C. Edward Dillery, "US Interests in the Mediterranean," *Mediterranean Quarterly*, 2006, Vol 17, No 2; Ömer Göksel İşyar, "An Analysis of Turkish-American Relations from 1945 to 2004: Initiatives and Reactions in Turkish Foreign Policy", *Alternatives*, 2005, Vol 4, No 3; John Stilides, "The Road Through Brussels: Cyprus on the US-Turkey Agenda", *Turkish Policy Quarterly*, 2005, Vol 4, No 1.

¹¹³ Tim Potier, "Cyprus: Entering Another Stalemate," *Chatham House*, November 2005.

¹¹⁴ For detailed discussion on sovereignty accumulation, see, Eiki Berg, "Pooling Sovereignty, Loosing Territoriality? Making Peace in Cyprus and Moldova," *Tijdschrift voor Economische en Sociale Geografie*, 2006, Vol. 97, No. 3.

concept, that of “shared sovereignty,” has been introduced and advocated by Oliver Richmond.¹¹⁵ Shared sovereignty is not synonymous with powersharing, but refers to powersharing mechanisms that give the upper hand to international organizations. This, in fact, means a protectorate, the implementation of which seems unlikely, as it would imply the existence of a failed state. However, it is not possible to talk of a failed state on Cyprus, because the state in the north of the island, although unrecognized, is functioning along with the state in the south of the island. Besides, the EU is in no position to advocate shared sovereignty, for doing so would, keeping in mind Richmond’s definition of the term, be an admission that a failed state had been accepted as a member of the European Union.

A third trend has received increased attention is the so-called Taiwan model¹¹⁶ that assumes that non-recognition does not necessarily exclude mutual reliance and cooperation. Although non-recognition as a state precludes intergovernmental cooperation as well as any cooperation that requires the existence of diplomatic relations, it does not preclude administrative cooperation between government officials or the signing of trade agreements. Thus, this model offers limited opportunities for political and trade cooperation under ordinary circumstances.

¹¹⁵ Oliver Richmond, “Shared Sovereignty and the Politics of Peace: Evaluating the EU’s ‘Catalytic’ Framework in the Eastern Mediterranean,” *International Affairs*, 2005, Vol. 82, No. 1.

¹¹⁶ A review of the model, see, Stefan Talmon, “The Cyprus Question before the European Court of Justice,” *EJIL*, 2001, Vol. 12, No. 4.

CHAPTER 8

CONCLUSIONS

This study had three main objectives: 1) to analyze the continuities in the Cyprus Question in order to understand and identify the ongoing issues involved; 2) to examine how and why certain surrounding issues may have been transformed; and 3) based on these continuities and transformations, and keeping in mind recent tendencies, to outline the logical consequences.

In consideration of the long-term nature of the problem, an extensive historical analysis that highlights the continuities and transformations is warranted. In order to highlight the cycles of transformation involved, this study aimed to analyze the Cyprus Question by applying the neo-Gramscian concepts of hegemony, hegemonic project and historical bloc. In so doing, the motivations, strategies and policies of the domestic as well as international actors have been taken up in six distinct periods.

During the first period (1878-1959), the Turkish and Greek Cypriots established their respective hegemonic discourses. The Greek Cypriots identified their aim as achieving enosis with Greece, whereas the Turkish Cypriots identified theirs as preventing enosis and securing equality and power-sharing in order to prevent Greek domination and avoid falling into the status of a minority on the island. International actors such as Great Britain, Turkey and Greece materialized their own hegemonic discourses in relation to Cyprus's strategic significance. Greece understood the reality that enosis could not be achieved within the international conjuncture of the time, and Turkey set aside a policy of partition and consented to the Cyprus agreement, since it gave Turkey back the status of legal and legitimate actor with regard to Cyprus that the Ottoman Empire had lost in

1878. In fact, Turkey adopted a dual policy that declared Cyprus to legally belong to Turkey, but conceded that partition of the island between Turkey and Greece was a second and acceptable option – and one which the Turkish Cypriots, at the time, found suitable.

Great Britain's main objective was to maintain its presence in Cyprus and its strategy of consolidating its power on the island. The Middle East and the Eastern Mediterranean were the major focal points by which successive British governments defined their Cyprus policies. The Suez Crisis and Eastern Mediterranean security, along with competition with Russia from 1878 and with Germany from the 1890s onwards, also played crucial roles in determining Britain's Cyprus policy during the decolonization period. During the Cold-War years, Britain gained added value out of its presence in Cyprus, consolidating its power within NATO by making use of its sovereign bases on Cyprus, which would have provided the U.K. in the post-Cold War years with a valuable strategic location from which to monitor and control Middle East in general and the war in Iraq in particular, as well as any potential disputes that might arise elsewhere in the Middle East. In fact, developments in the Middle East led the U.K. to redefine and reproduce its policy vis-à-vis Cyprus, whose significance continued to increase. As they defined, redefined and reproduced the significance of Cyprus, British policymakers paid strict attention to two points: first, ensuring that the two disputing sides continued to exist; and second, preventing any other major actors from becoming legitimately involved in the Cyprus question. The latter concern was highlighted in the Accession Treaty signed between the European Union and the "Republic of Cyprus", which registered the fact that designated sovereign base areas on Cyprus belonged to Britain, not to the EU. Despite any possible interests in obtaining a base of their own, the Americans, for the most part, respected British policy, and made use of sovereign base areas, whereas Russian involvement in Cyprus was largely through AKEL and concerned with maintaining a voice in the larger politics of Eastern Mediterranean security. The significant point here is that despite the smallness of the island, each of the major actors had some reason for becoming involved in the Cyprus Question, if for no other reason than to prevent other actors from filling any possible voids.

The global process of decolonization offered the Greek Cypriots the opportunity to change Cyprus's legal status. They embarked on their struggle for independence based on the argument of a right to self-determination; however, they did not extend this right to the Turkish Cypriots. This inherent contradiction kept Cyprus from achieving full independence and provided leverage to the British, who would, at times, encourage the Turkish Cypriots to demand certain rights for themselves. Turkey also offered encouragement, hoping, as heir to the Ottoman Empire, to acquire status as a legal actor in Cyprus in the event of its independence from Britain. The Greek Cypriot demand for a single, unitary state as a transition policy for achieving enosis failed to accommodate Turkish Cypriot demands, thus further politicizing the Turkish Cypriot community. The two hegemonic discourses, formed in an atmosphere of decolonization, led to the short-lived historical bloc of 1960.

During the second period (1960-1974), the Cyprus Question was shaped by Cold-War politics. It was during this time that hegemonic discourses were transformed into hegemonic projects. The debates surrounding the London-Zurich Agreements highlighted the existence of important differences between the Turkish and Greek Cypriots on almost every issue and are evidence that the two communities did not, in fact, take part in the formation of a historical bloc. Rather, a historical bloc was formed between Turkey, Greece and Britain, with the full consent of the Turkish Cypriots and the much more reluctant consent of the Greek Cypriots, who viewed the foundation agreements for the Republic of Cyprus as an interim step. The Greek Cypriot hegemonic discourse remained one of achieving enosis using the concept of self-determination, whereas the Turkish Cypriot hegemonic discourse continued to be one of preventing enosis and securing equality. The London-Zurich Agreements also represented an important step in consolidating the hegemonic discourses of the international actors in Cyprus. These agreements provided Greece with the historic opportunity to become a legal actor in Cyprus, offered Turkey a means of reasserting itself as a legal actor in Cyprus for the first time since 1878, and gave the U.K. two sovereign bases on Cyprus.

The year 1963 was marked by the collapse of the 1960 constitutional system, when the Greek Cypriots attempted to enact 13 constitutional amendments that would destroy the federal nature of the administrative system, power-sharing mechanism and establish a unitary state. This action represented a turning point with regard to the Cyprus Question. The aim of the Greek Cypriots was to deconstruct the historical bloc of 1960 by using the concept of self-determination that had come to prominence during the Cold-War period, especially in the 1960s. The basic strategy of the Greek Cypriots was to use the United Nations as a tool with which to change the existing constitutional order on Cyprus. In essence, the Greek Cypriots were trying to reproduce the Cyprus Question by internationalizing it. For their part, the Turkish Cypriots continued their hegemonic project for achieving political equality and avoiding the status of minority on the island, adding to it the discourse of securing their survival. Both the U.K. and U.S. administrations acted according to their interests within the framework of the Cold War, which consisted of guaranteeing stability both in the region and within NATO, which meant preventing any possible clash between the Greek and Turkish governments.

During the third period (1974-1983), the Turkish military intervention would lead to the consolidation of the *de facto* division of Cyprus that had existed since 1963, when the process of deconstructing the 1960 power-sharing order had been completed and materialized. As a result of the split into a Greek Cypriot south and a Turkish Cypriot north, the hegemonic discourses of the two communities were again redefined. The Greek Cypriot hegemonic project was transformed from one of achieving enosis to one of creating a unitary state, which the Greek Cypriots, as well as the Greeks, hoped to realize by internationalizing the Cyprus Question. At the same time, the Turkish Cypriots and Turkey were trying to materialize their military victory with political gains. In attempting to consolidate their political equality through a bi-zonal, bi-communal, federal solution, the Turkish Cypriots redefined the Cyprus question. Whereas before 1974, the Turkish Cypriots had demanded local autonomy as a means of guaranteeing their political equality and survival as a community, from 1974 onwards, they demanded a federal solution to the Cyprus question. In other words,

the Turkish Cypriots upgraded their hegemonic project. By the end of the period, two competing hegemonic projects had emerged that would affect the future negotiations between the Turkish and Greek Cypriots.

During the fourth period (1983-1990), two important developments – the Turkish Cypriot declaration of the TRNC and the Greek Cypriot application for full EU membership – served to widen the gap between the demands of the Turkish and Greek Cypriots. Although the Turkish Cypriots declared their independence, they did not totally abandon their hegemonic project based on a federal solution; rather, their project underwent a transformation from a federal solution to a two-state, or confederal solution. EU policy was constructed so as to deny the TRNC and Turkish leaderships any leverage and was based on the mistaken assumption that it was the Turkish side alone that stood in the way of a solution. Thus, the Cyprus question was transformed into an EU question. From this point on, the European Union would play an influential role in further transforming the Cyprus Question, becoming, in fact, a mere tool for the consolidation of the Greek Cypriot's long-term strategy.

During the fifth period (1990-1999), the Greek Cypriots consolidated their hegemonic project for attaining their ongoing aim of a unitary state through their application for EU membership and the subsequent accession process. The 1994 EU Council decision to grant Cyprus candidate status despite the previous year's political turmoil had a negative impact on the Cyprus question. With this move, the EU actually facilitated an increase in the gap between the demands of the Greek and Turkish Cypriots. Mainly as a result of Greece's threat to block the European Union's eastern enlargement, EU leaders began to openly support the Greek Cypriot position and work to undermine that of the Turkish Cypriots. This strategy presented a challenge to earlier negotiation efforts. Rather than achieving unification, this period witnessed the lowest level of confidence between the two sides since 1974, as Greek Cypriot policies and EU decisions led to a hardening on the part of the Turkish Cypriots by increasing the perceived importance of statehood and sovereignty as a means of ensuring political equality. This gave birth to a new proposal, that of confederation.

During the sixth period (1999-2004), elements from the various settlement proposals over the years were compiled into the first-ever comprehensive plan for Cyprus, the Annan Plan. The subsequent referendum on the plan showed the one-sided pressure put on the Turkish Cypriots by the European Union, which failed to realize the role Greek Cypriot policies and the open support given to them by major European actors had in preventing the materialization of a solution. Until the final moments, none of the EU policymakers had considered that the reunification plan might be rejected by the Greek Cypriots, who had been consulted in the preparation of the plan by the European Union and the United Nations. This is a clear indication of how EU policies were constructed based on misperceptions and misanalyses of the Cyprus Question.

The results of the referendum on the Annan Plan revealed the differences between the Turkish and Greek Cypriots to be so immense as to be insurmountable, making reunification of the island impossible. The EU's construction of the Cyprus Question – its attempted coercion of the Turkish side and unconditional support, even encouragement, for the Greek Cypriot hegemonic project of a unitary state that offered the Turkish Cypriots nothing more than minority rights – led to the failure of the entire strategy developed and implemented by the international community. In 2004, there was no historical bloc formed. Whereas the Greek Cypriot hegemonic project continued to demand a unitary state under the authority of the Greek Cypriots, the Turkish Cypriot hegemonic project was redefined and reproduced as a result of and in response to the European Union's accession negotiations with the Republic of Cyprus. In fact, the Turkish Cypriot hegemonic project has gone through several revisions – a federal solution, a confederal solution and a two-state formula – according to the political conjecture of the time. Yet despite the changes in terminology, the Turkish Cypriot hegemonic project since 1959 has been characterized by an overall continuity, whereby a formula was sought that could guarantee the Turkish Cypriot's political equality and sovereignty.

Another determining factor during this period was Turkey's accession negotiations with the European Union. In line with changes in Turkish-EU relations, the Turkish Cypriot's redefined and reproduced their hegemonic project.

Following the Luxembourg Summit, which rejected Turkey's EU candidacy, the Turkish Cypriots gave their support to a confederal solution; however, after the Helsinki Summit, which named Turkey as a candidate, the Turkish Cypriots changed their stance to one favoring a federal or two-state solution. When Turkish-EU relations again deteriorated in 2002, the Turkish Cypriots once again adopted a confederal solution as their hegemonic project. In light of these changes, it is possible to argue that the Turkish Cypriot hegemonic projects were designed in accordance with Turkey's foreign policy interests and redefined and reproduced in line with changes in Turkish foreign policy.

The Greek Cypriot rejection in a referendum of the Annan Plan revealed the achievement of a Greek-dominated unitary state to be the true aim of the Greek Cypriots, despite any statements to the contrary. Clearly, the Greek Cypriots were not ready to accept any power-sharing mechanism or the political equality of the Turkish Cypriots. The Annan Plan referenda proved to be a concrete manifestation of the extraordinary distrust and the immense gap between the Turkish and Greek Cypriots – a gap that had widened to such an extent that what represented a solution for one side was considered a problem for the other. Their respective hegemonic projects were essentially adversarial, and thus prevented solution.

The Annan Plan referenda represented a test of EU problem-solving capabilities, which ultimately proved to be insufficient. This was mainly due to the EU's misunderstanding of the Cyprus problem. Because it failed to accurately analyze the problem, the EU designed a strategy based on false premises, namely, that the Turkish Cypriots stood in the way of a resolution to the Cyprus Question. As David Hannay has confirmed, the refusal to allow Turkey or the Turkish Cypriots any political leverage to block the accession of the "Republic of Cyprus" was an important part of EU strategy, which was constructed on readings of Cyprus politics after 1974, without consideration of earlier developments. It can be argued that the European Union was influenced by the Greek Cypriot hegemonic projects and Greece's threat to veto the organization's eastern enlargement. In fact, over the years, EU policy has encouraged the Greek Cypriots to take a firm stance in rejecting any solution except that of a Greek-dominated unitary state.

The ultimate failure of the EU hegemonic project undermined the formation of a historical bloc and created a new conjecture surrounding the Cyprus question. Rather than provide an answer, it merely changed the paradigm, reproducing and multiplying the Cyprus question, yet failing to offer an incentive to the Greek Cypriots to solve the problem, dashing the hopes of the Turkish Cypriots and creating a huge sense of disappointment.

The hegemonic projects of the Turkish Cypriots emerged as a response to Greek Cypriot hegemonic projects, policies and strategies. The continuous attempts by the Greek Cypriots to internationalize the Cyprus question in order to increase pressure on Turkey led the Turkish Cypriots to maximize their demands in order to balance the Greek Cypriot hegemonic projects. This has been a general trend that is likely to continue for the foreseeable future.

The EU also made the mistake of grounding its arguments in terms of individuals, especially Turkish Cypriot leader Rauf Denktaş, whom it defined as the major obstruction standing in the way of a solution. EU officials and policymakers believed that all that was needed to reach an agreement was to bypass Denktaş; however, as the Annan Plan showed, this was not the case, and in fact the problems on Cyprus are extremely deep-rooted. Recently, in defining Greek Cypriot President Papadopoulos as the problem, the EU has again placed an individual at the center of its analysis, which may again result in a misinterpretation of the Cyprus question. It was just such a misanalysis on the part of the EU that led to the failure of the Annan Plan and the subsequent consolidation of the island's division.

Examining the individual strategies of each of the actors involved in Cyprus brings to light similarities and differences between them. Great Britain can be seen to have redefined and reproduced its Cyprus policy in line with the international conjecture in order to maintain its presence on the island. With the Annan Plan, Britain managed to register its own rather than EU sovereignty over base areas, thereby redefining and reproducing its presence in Cyprus and preventing others from becoming legal actors with regard to the Cyprus question. The United States not only made use of the British bases for its own interests, with the Acheson Plan, Washington had attempted to get a base of its own. The base

issue is just one example of how U.K. and U.S. interests were served by maintaining the divided status of Cyprus.

In terms of domestic Cyprus politics, one can argue that there has been a consistent Greek Cypriot policy of supporting a unitary state model on the part of all the major Greek Cypriot political parties. In contrast to this, the reference point established among the Turkish Cypriots is that of a bi-zonal, bi-communal, federal solution that guarantees them political equality and sovereignty and prevents them from becoming a minority on the island. Although this point is shared by all the political parties in northern Cyprus, it has not produced a consistent state policy within the TRNC. Rather, Denktaş and right-wing political parties reflect this policy in terms of a two-state formula, whereas left-wing Turkish Cypriot parties do so in terms of reunification. The results of the Annan Plan referendum also showed reunification to be more idealized among Turkish Cypriots than Greek Cypriots. This idealization has led to detailed debates over reunification among the Turkish Cypriots. It should be kept in mind that the EU policy makers either failed to see or ignored the fact that large majority of Greek Cypriots did not respect the common reference point among the Turkish Cypriots in the north.

A number of tendencies in terms of alternative models for Cyprus have emerged in the post-Annan-referendum period. The first of these tendencies is based on “sovereignty accumulation,” which refers to a division of sovereignty equally between two states. A second tendency is that of “shared sovereignty”, which does not necessarily imply a simple power-sharing arrangement between Turkish and Greek Cypriots; rather, it refers to power-sharing mechanisms that would cede the upper hand to international organizations, which, in fact, would constitute a protectorate. Implementation of such a mechanism is unlikely, since one cannot talk of a failed states in Cyprus, which functions despite its division and the lack of recognition accorded to the *de facto* state in the north. Moreover, such an argument would be self-defeating, because it would be an admission that the European Union had offered membership to a failed state.

The third tendency is towards a Taiwan-style model, which assumes that non-recognition does not necessarily exclude mutual reliance and cooperation. In this model, unrecognized states do not have the opportunity to conclude political

or diplomatic agreements with other states, but they do have the opportunity to establish bureaucratic cooperation and implement trade agreements.

A return to the 1960 model, proposed by the Turkish Cypriots, specifically, by Ali Erel, president of the Turkish-EU Association, is the fourth tendency. It is likely that in the course of time a discussion will re-emerge over the possibility of realizing the 1960 formula, which, though controversial, has increasingly been receiving support in Northern Cyprus, mainly because claiming the rights guaranteed to the Turkish Cypriot community in the 1960 agreements would provide a means of pressuring the current Greek Cypriot administration.

Increasingly, due to economic hardships, members of the Turkish Cypriot middle class are filling working-class jobs in a transformation of the class structure of the TRNC that would support a form of integration of the two communities on the island. This fifth tendency, yet unnamed, was initially developed by Papadopoulos, who would prefer to maintain the division between the Turkish and Greek Cypriots, with the former dependent upon and subservient to the latter. Such a situation would, in the long-term, be expected to force the Turkish Cypriots to accept Greek Cypriot terms for a settlement of the Cyprus Question.

A final tendency is to work for the recognition of the TRNC, in other words, independence. However, in light of the existing UN resolutions related to the recognition of the TRNC, as well as that of the current international conjecture, it is unlikely that any effort aimed at recognition will succeed.

Among officials and policymakers there is an inclination towards relaunching conflict resolution programs such as those attempted, unsuccessfully, in the 1990s in an effort to build confidence among the Turkish and Greek Cypriots. The insistence on implementation of such programs is another example of how the EU failure with regard to Cyprus is not discussed within the Union itself. Until such time as a debate on the subject takes place within the EU, the organization will not be able to come to terms with its own weakness and thus will be unable to design and implement a consistent Cyprus policy. The fact is, the Cyprus Question is not a priority on the EU agenda and is unlikely to become one, at least not in the foreseeable future.

Despite the definition, redefinition and reproduction of the hegemonic projects of the various actors in Cyprus, only once, in 1960, was a historical bloc formed on the island. However, it is very difficult to argue that such a bloc exists in Cyprus today. Given certain overall continuities in the hegemonic projects of each of the actors with roles in the Cyprus Question, it is highly doubtful that a historical bloc can be formed again in the near future. Without the formation of a historic bloc that can be sustained by all the actors involved, a feasible solution is impossible. All in all, the Cyprus Question is not only a dispute between the Turkish and Greek Cypriots, but an international problem that has been shaped by the policies, strategies and interests of international actors, and one that is likely to continue to exist for the foreseeable future.

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APPENDICES

APPENDIX 1

HOME'S CONFIDENTIAL MEMORANDUM

There are circumstances which it is needless to do more than refer to, which may render it desirable for Great Britain to obtain territorial advantages in the Levant to compensate her for Political changes which otherwise would render her position in the East insecure. It is very desirable to attempt to weigh the advantages and disadvantages of the various places that from time to time have been named as desirable points for British occupation.

Before arriving at any definite decision on such a subject it is desirable first to try and answer the question; what is it that we really require at the Eastern end of the Mediterranean? There are four distinct causes that render it desirable that England should be in possession of some place in the Levant—these causes may be termed:—

The Political
The Military
The Naval
The Commercial

As regards the first, the Kernel of the Eastern question undoubtedly lies in the difficulty that exists of getting races of different origin, religion, and language to live harmoniously together and give time and scope for the action of Civilization to remove hatred and soften the memories of old wrongs committed one on the other. No one who knows the East will deny that none of the races in the East are sufficiently advanced to take the leading position.

Various denominations of Christians and Moslems, the various races to be found in the East all look to England as the Country which alone can assume such a position; the well known integrity of her officials, and the success that has always attended her efforts at administering Eastern nations, have placed her in a position that no other nation holds.

It is, therefore, desirable that if England does acquire any territory in the East it should be sufficiently large, possessed of sufficient material resources and inhabited by such races of people as shall allow the experiment of what good government will do being fairly tried.

The political effect produced by observing the rapid development of a country under English rule—the peace and prosperity that would reign in it and the satisfaction of the inhabitants at the change from Turkish to British government would be incalculable and would do more to maintain English prestige than half a dozen Campaigns.

So long as the Dardanelles and Bosphorus are MAINTAINED in Status Quo, the English interests are to be found in Asiatic rather than in European Turkey. What we require militarily speaking is then some place that shall give us potentially the Keys of Asia Minor. Some place sufficiently large for us to assemble an Army on, to make it the secure base for checking any hostile advance from the Caucasus [*sic*], or the head waters of the Tigris and Euphrates or either the Persian Gulf or Suez Canal. We require a place that shall without difficulty feed an Army, we require a place where mules, oxen and horses can be obtained and where large bodies of troops of all arms can be encamped.

Looking to the naval requirements we need a good and easily defensible harbor—from which our men of war can watch the lines of communication with India passing through the Suez Canal and where they may securely coal.

Commercially we require a place from which English manufacturers may make their way into the East a place which will attract the carrying trades of the Levant and which will act as a depot for English goods. Such a point as Alexandria, now to a certain extent is, but in English not foreign hands.

Looking to the fact that all the Indian traffic is passing out of sailing ships into Steamers as a consequence of the opening of the Suez Canal, we need a secure place in our own territory for such vessels to coal in.

Further we require a place such that a small British Garrison may defend it, where we can raise an efficient Militia and a place the outgoing of which shall be balanced by some incomings, in the form of Revenue. In general terms the foregoing are our wants.

The following places have been proposed. The Peninsula of Gallipoli with the territory on the Asiatic side between the Gulf of Edremid and the Sea of Marmora. The Island of Mytilene, the Island of Lem-nos, the Island of Stampalia, the Island of Crete, Scanderoon, Accre [*sic*], Haifa, Alexandria, the Island of Cyprus.

(1) As regards Gallipoli it is to [*sic*] far out of the way of the line of the Indian trade, to meet our requirements, it would be a standing menace to Russia and Turkey, nay even to Austria and Italy whose ships trading in the Black Sea and mouth of the Danube would have to pass under the guns of our works.

It is a continental possession and as such we would be at all times exposed to Custom House difficulties such as those existing at Gibraltar. We should have to fortify it very strongly at a cost of at least 2.5millions and it does not command the very country Syria and Mesopotamia that it is so requisite to retain a control over.

Even if there were any prospects of our getting it, it does not offer what we want.

(2) The Island of Lemnos possesses a good harbour, but it is sterile, it is too close to the mouth of the Dardanelles and too much out of the way of our Indian track.

(3) The Island of Myteleni [*sic*], has two good harbours, is fertile and productive. It is also too much out of the way of our Indian track.

Both are rather points of observation for watching the mouth of the Dardanelles.—Neither can be said to give us what we need.

(4) *Stampalia*. It has been proposed to occupy a portion of this island, using either Port Vathy [*sic!* Vathy] or Port Maltezana as a harbour.—

Stampalia is near enough to the Indian Trade route to protect it. It is near enough to the Dardanelles to watch the outlet of the Strait.

One harbor Port Vathy requires dredging, the other is said to be rather exposed and have indifferent holding ground. The Naval authorities prefer Port Maltezana.

This island appears to give a coaling and naval station and nothing more. "The supply of water is limited and on its first occupation would have to be provided by distillation." It cannot be said that the occupation of the rock will ever give the country what it requires in the East.

(5) *Crete*.—Is a very large island admirably situated for watching the Adriatic and the Egean Seas, and for protecting the Indian trade route. It also is large and fertile, contains many most excellent harbors and would in all probability pay for itself. It is too far from the Syrian coast and does not divide the distance from Malta to Port Said as well as might be wished. Nevertheless taken as a whole Crete offers enormous advantages.

Its disadvantages are, it is inhabited by a race of people of remarkable homogeneity, a race that have always had national aspirations, and have always sought a union with Greece, an occupation of Crete would infallibly produce political trouble and be a cause of weakness rather than strength, also from its great length as compared with its breadth it is difficult to defend offering many excellent points for an Army to attack it.

(6) *Scanderoon* has at all times been deemed the gate of Asia, the way by which the valleys of the Euphrates and Tigris have been approached. Such as it was in former days such it is now—, the trade from Aleppo and all the surrounding country finding its outlet there. The harbor or rather roadstead of Scanderoon is the best on the Coast. If ever the Euphrates Valley line is constructed it will probably be the Mediterranean terminus of the line. Although it is an unhealthy place, yet it is believed by extensive drainage works, it may be made healthy. The harbor although good affords little facility for embarking or

disembarking goods, as the water is very shoal for long distances and jetties or piers of considerable magnitude must be run out before it could be used.

It cannot however be denied that viewed either politically, commercially, or from a Naval point of view, it offers many advantages. Its disadvantages may be stated to be:— It is on a continent. The boundary afforded by the line of mountains encircling the bay does not afford a sufficiently large area. If our territory is extended across the Boundary, where are we to stop? Will we not have to take possession of the whole country up to the Euphrates including the great city of Aleppo? The restricted space between the sea and the hills offers few advantages for forming an army on, and if troops are encamped to the Eastward of the Beilan Pass, there would be great difficulty in moving them back for embarkation. An occupation of Scanderoon may compel the country to move too fast.

(7) *Accre*. The Roadstead of Accre is not good, its water supply is indifferent, it does not afford sufficient space to be dealt with.

(8) *Haifa*. The same may be said of Haifa, the influence of both these places is limited by the desert country to the East of the Jordan river.

(9) *Alexandria*, offers very great advantages in every way. But as it is the sole Port of Egypt, the occupation of Alexandria would mean the occupation of Egypt, hence it may be left out of consideration.

(10) *The Island of Cyprus*.

This island appears to offer very great advantages. (1) It is of a size sufficient and possesses material resources of such nature, that, good government will quickly produce results. It is inhabited by a very mixed race:—as an experiment in treating the Eastern question fairly, there could be no better place. What is done in Cyprus will be known all through Syria and Asia Minor. The progress that undoubtedly would follow, were this island a British possession would do more to convince Eastern nations of the value of civilization, and the benefits of good government than anything else. The result would extend British prestige far and wide in the Levant. Not being on a continent there would be no difficulties as to custom dues, transit dues or other questions of that nature.

Militarily speaking, it affords ample space for forming an Army and possesses large quantities of Mules Oxen and supplies of all kinds. It is easily defended, for the inhabitants would soon form a militia. Whoever holds Cyprus potentially holds Scanderoon, in short it is just to say that holding Cyprus gives Scanderoon. Its defence is not difficult there are few landing places and those not very good. Very light defences would be required for as remarked by the Admiralty—"It is not probable that this Coaling Station would be exposed to the attack of heavy armour protected ships; our fleet in the Mediterranean would probably be powerful enough to prevent any such attack." works sufficient "to protect the harbour against the desultory attack of one or two vessels, the sole object of which might be the destruction of the Store of Coal." would be all that is really requisite. In a naval point of view, the harbour is deficient. But there are many facilities for making a harbour as is shown on the sketch attached. Such a harbour would be far superior to any other in the Levant, and it is questionable if harbour accommodation here would not be cheaper than at Scanderoon or *ebewhere*. Commercially, the Island is admirably adapted for becoming a depot for English manufacturers and the trade into Syria and Asia Minor.

[Signed] HOME Col army 8/6/78.

Source: Dwight E. Lee, "A Memorandum Concerning Cyprus, 1878," *The Journal of Modern History*, 1931, Vol. 3, No. 2.

APPENDIX 2

British-Ottoman Agreement of 4 June 1878

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Imperial Majesty the Sultan, being mutually animated with the sincere desire of extending and strengthening the relations of friendship happily existing between their two Empires, have resolved upon the conclusion of a convention of defensive alliance with the object of securing the future territories in Asia of his Imperial Majesty the Sultan.

Their Majesties have accordingly chosen and named as their Plenipotentiary, that is to say.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honorable Austen Henry Layard, Her Majesty's Ambassador Extraordinary and Minister Plenipotentiary at the Sublime Porte.

And His Imperial Majesty the Sultan, his Excellency Safvet Pasha, Minister for Foreign Affairs of His Imperial Majesty. Who after exchanged their full powers found in due and good form, have agreed upon the following articles.

1- If Batum, Ardahan, Kars or any of them shall be retained by Russia, and if any attempt shall be made at any future time by Russia to take possession of any further territories of His Imperial Majesty the Sultan in Asia as fenced by the definitive of Peace, England engages to join His Imperial Majesty the Sultan in defending them by force of arms.

In return His Imperial Majesty the Sultan promises to England to introduce necessary reforms to be agreed upon later between the Powers, into the government and for the protection of the Christian and other subjects. Subjects of the Porte in those territories, and in order to enable England to make necessary provision for executing her engagement, His Imperial Majesty the Sultan further consents to assign the Island of Cyprus to be occupied and administrated by England.

2- The present convention shall be ratified and the ratifications thereof shall be exchanged in the space of one month or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done at Constantinople the fourth day of June in the year of one thousand eight hundreds and seventy eight.

Source: British-Ottoman Agreement, July 4, 1878, FO 93/110/27 B

APPENDIX 3

ENGLISH TRANSLATION OF THE DOCUMENTS AGREED IN THE FRENCH TEXTS AND INITIALED BY THE GREEK AND TURKISH PRIME MINISTERS AT ZURICH ON FEBRUARY 11, 1959

(a) BASIC STRUCTURE OF THE REPUBLIC OF CYPRUS

1. The State of Cyprus shall be a Republic with a presidential regime, the President being Greek and the Vice-President Turkish elected by universal suffrage by the Greek and Turkish communities of the island respectively.

2. The official languages of the Republic of Cyprus shall be Greek and Turkish. Legislative and administrative instruments and documents shall be drawn up and promulgated in the two official languages.

3. The Republic of Cyprus shall have its own flag of neutral design and colour, chosen jointly by the President and the Vice-President of the Republic.

Authorities and communities shall have the right to fly the Greek and Turkish flags on holidays at the same time as the flag of Cyprus.

The Greek and Turkish communities shall have the right to celebrate Greek and Turkish national holidays.

4. The President and the Vice-President shall be elected for a period of 5 years. In the event of absence, impediment or vacancy of their posts, the President and the Vice-President shall be replaced by the President and the Vice-President of the House of Representatives respectively.

In the event of a vacancy in either post, the election of new incumbents shall take place within a period of not more than 45 days.

The President and the Vice-President shall be invested by the House of Representatives, before which they shall take an oath of loyalty and respect for the Constitution. For this purpose, the House of Representatives shall meet within 24 hours after its constitution.

5. Executive authority shall be vested in the President and the Vice-President. For this purpose they shall have a Council of Ministers composed of seven Greek Ministers and three Turkish Ministers. The Ministers shall appoint them by an instrument signed by them both.

The Ministers may be chosen from outside the House of Representatives.

Decisions of the Council of Ministers shall be taken by an absolute majority.

Decisions so taken shall be promulgated immediately by the President and the Vice-President by publication in the official gazette.

However, the President and the Vice-President shall have the right of final veto and the right to return the decision of the Council of Ministers under the same conditions as those laid down for laws and decisions of the House of Representatives.

6. Legislative authority shall be vested in a House of Representatives elected for a period of 5 years by universal suffrage of each community separately in the proportion of 70 per cent for the Greek community and 30 per cent for the Turkish community, this proportion being fixed independently of statistical data (NB. The number of Representatives shall be fixed by mutual agreement between the communities.)

The House of Representatives shall exercise authority in all matters other than those expressly reserved to the Communal Chambers. In the event of a conflict of authority, such conflict shall be decided by the Supreme Constitutional Court which shall be composed of one Greek, one Turk, and one neutral, appointed jointly by the President and the Vice-President. The neutral judge shall be president of the Court.

7. Laws and decisions of the House of Representatives shall be adopted by a simple majority of the members present. They shall be promulgated within 15 days if neither the President nor the Vice-President returns them for reconsideration as provided in Point 9 below.

The Constitutional Law, with the exception of its basic articles, may be modified by a majority comprising two-thirds of the Greek members and two-thirds of the Turkish members of the House of Representatives.

Any modification of the electoral law and the adoption of any law relating to the municipalities and of any law imposing duties or taxes shall require a simple majority of the Greek and Turkish members of the House of Representatives taking part in the vote and considered separately.

On the adoption of the budget, the President and the Vice-President may exercise their right to return it to the House of Representatives, if in their judgment any question of discrimination arises. If the House maintains its decisions, the President and the Vice-President shall have the right of appeal to the Supreme Constitutional Court.

8. The President and the Vice-President, separately and conjointly, shall have the right of final veto on any law or decision concerning foreign affairs, except the participation of the Republic of Cyprus in international organizations and pacts of alliance in which Greece and Turkey both participate or concerning defense and security as defined in Annex I.

9. The President and the Vice-President of the Republic shall have, separately and conjointly, the right to return all laws and decisions, which may be returned to the House of Representatives within a period of not more than 15 days for reconsideration.

The House of Representatives shall pronounce within 15 days on any matter so returned. If the House of Representatives maintains its decisions, the President and the Vice-President shall promulgate the law or decision in question within the time-limits fixed for the promulgation of laws and decisions.

Laws and decisions, which are considered by the President or the Vice-President to discriminate against either of the two communities, shall be submitted to the Supreme Constitutional Court which may annul or confirm the law or decision, or return it to the House of Representatives for reconsideration, in whole or in part. The law or decision shall not become effective until the Supreme Constitutional Court or, where it has been returned the House of Representatives has taken a decision on it.

10. Each community shall have its Communal Chamber composed of a number of representatives which it shall itself determine.

The Communal Chambers shall have the right to impose taxes and levies on members of their community to provide for their needs and for the needs of bodies and institutions under their supervision.

The Communal Chambers shall exercise authority in all religious, educational, cultural and teaching questions, and questions of personal status. They shall exercise authority in questions where the interests and institutions are of a purely communal nature, such as sporting and charitable foundations, bodies and associations, producers and consumers, co-operatives and credit establishments, created for the purpose of promoting the welfare of one of the communities. (NB. it is understood that the provisions of the present paragraph cannot be interpreted in such a way as to prevent the creation of mixed and communal institutions where the inhabitants desire them.)

These producers and consumers co-operatives and credit establishments, which shall be administered under the laws of the Republic, shall be subject to the supervision of the Communal Chambers. The Communal Chambers shall also exercise authority in matters initiated by municipalities which are composed of one community only. These municipalities, to which the laws of the Republic shall apply, shall be supervised in their functions by the Communal Chambers.

Where the central administration is obliged to take over the supervision of the institutions, establishments, or municipalities mentioned in the two preceding paragraphs by virtue of legislation in force, this supervision shall be exercised by officials belonging to the same community as the institution, establishment, or municipality in question.

11. The Civil Service shall be composed as to 70 per cent of Greeks and as to 30 per cent of Turks.

It is understood that this quantitative division will be applied as far as practicable in all grades of the Civil Service.

In regions or localities where one of the two communities is in a majority approaching 100 per cent, the organs of the local administration shall be composed solely of officials belonging to that community.

12. The deputies of the Attorney-General of the Republic, the inspector-General, the Treasurer and the Governor of the issuing Bank may not belong to the same community as their principals. The holders of these posts shall be appointed by the President and the Vice-President of the Republic acting in agreement.

13. The heads and deputy heads of the Armed Forces, the Gendarmerie and the Police shall be appointed by the President and the Vice-President of the Republic acting in agreement. One of these heads shall be Turkish and where the head belongs to one of the communities, the deputy head shall belong to the other.

14. Compulsory military service may only be instituted with the agreement of the President and the Vice-President of the Republic of Cyprus.

Cyprus shall have an army of 2,000 men, of whom 60 per cent shall be Greek and 40 per cent Turkish.

The security forces (gendarmerie and police) shall have a complement of 2,000 men, which may be reduced or increased with the agreement of both the President and the Vice-President. The security forces shall be composed as to 70 per cent of Greeks and as to 30 per cent of Turks. However, for an initial period this percentage may be raised to a maximum of 40 per cent of Turks (and consequently reduced to 60 per cent of Greeks) in order not to discharge those Turks now serving in the police, apart from the auxiliary police.

15. Forces, which are stationed in parts of the territory of the Republic inhabited, in a proportion approaching 100 per cent, by members of a single community, shall belong to that community.

16. A High Court of Justice shall be established, which shall consist of two Greeks, one Turk and one neutral, nominated jointly by the President and the Vice-President of the Republic.

The President of Court shall be the neutral judge, who shall have two votes. This Court shall constitute the highest organ of the judicature (appointments, promotions of judges, etc.).

17. Civil disputes, where the plaintiff and the defendant belong to the same community, shall be tried by a tribunal composed of judges belonging to that community. If the plaintiff and defendant belong to different communities, the composition of the tribunal shall be mixed and shall be determined by the High Court of Justice.

Tribunals dealing with civil disputes relating to questions of personal status and to religious matters, which are reserved to the competence of the Communal Chambers under Point 10, shall be composed solely of judges belonging to the community concerned. The composition and status of these tribunals shall be determined according to the law drawn up by the Communal Chamber and they shall apply the law drawn up by the Communal Chamber.

In criminal cases, the tribunal shall consist of judges belonging to the same community as the accused. If the injured party belongs to another community, the composition of the tribunal shall be mixed and shall be determined by the High Court of Justice.

18. The President and the Vice-President of the Republic shall each have the right to exercise the prerogative of mercy to persons from their respective communities who are condemned to death. in cases where the plaintiffs and the convicted persons are members of different communities the prerogative of mercy shall be exercised by agreement between the President and the Vice-President. in the event of disagreement the vote for clemency shall prevail. When mercy is accorded the death penalty shall be commuted to life imprisonment.

19. in the event of agricultural reform, lands shall be redistributed only to persons who are members of the same community as the expropriated owners.

Expropriations by the State or the Municipalities shall only be carried out on payment of a just and equitable indemnity fixed, in disputed cases, by the tribunals. in appeal to the tribunals shall have the effect of suspending action.

Expropriated property shall only be used for the purpose for which the expropriation was made. Otherwise the property shall be restored to the owners.

20. Separate municipalities shall be created in the five largest towns of Cyprus by the Turkish inhabitants of these towns. However:

(a) in each of the towns a co-ordinating body shall be set up which shall supervise work which needs to be carried out jointly and shall concern itself with matters which require a degree of co-operation. These bodies shall each be composed of two members chosen by the Greek municipalities, two members chosen by the Turkish municipalities and a President chosen by agreement between the two municipalities.

(b) The President and the Vice-President shall examine within 4 years the question whether or not this separation of municipalities in the five largest towns shall continue.

With regard to the localities, special arrangements shall be made for the constitution of municipal bodies, following, as far as possible, the rule of proportional representation for the two communities.

21. A Treaty guaranteeing the independence, territorial integrity and constitution of the new State of Cyprus shall be concluded between the Republic of Cyprus, Greece, the United Kingdom, and Turkey. A Treaty of military alliance shall also be concluded between the Republic of Cyprus, Greece, and Turkey.

These two instruments shall have constitutional force. (This last paragraph shall be inserted in the Constitution as a basic article.)

22. it shall be recognized that the total or partial union of Cyprus with any other State, or a separatist independence for Cyprus (i.e. the partition of Cyprus into two independent States), shall be excluded.

23. The Republic of Cyprus shall accord most-favoured-nation treatment to Great Britain, Greece, and Turkey for all agreements whatever their nature.

This provision shall not apply to the Treaties between the Republic of Cyprus and the United Kingdom concerning the bases and military facilities accorded to the United Kingdom.

24. The Greek and Turkish Governments shall have the right to subsidise institutions for education, culture, athletics, and charity belonging to their respective communities.

Equally, where either community considers that it has not the necessary number of schoolmasters, professors, or priests for the working of its institutions, the Greek and Turkish Governments may provide them to the extent strictly necessary to meet their needs.

25. One of the following Ministries -the Ministry of Foreign Affairs, the Ministry of Defense, or the Ministry of Finance- shall be entrusted to a Turk. if the President and the Vice-President agree they may replace this system by a system of rotation.

26. The new State which is to come into being with the signature of the Treaties shall be established as quickly as possible and within a period of not more than 3 months from the signature of the Treaties.

27. All the above Points shall be considered to be basic articles of the Constitution of Cyprus.

Annex I A

The defense questions subject to veto under Point 8 of the Basic Structure are as follows:

- (a) Composition and size of the armed forces and credits for them.
- (b) Appointments and promotions.
- (c) imports of warlike stores and of all kinds of explosives.
- (d) Granting of bases and other facilities to allied countries.

The security questions subject to veto are as follows.

- (a) Appointments and promotions.
- (b) Allocation and stationing of forces.
- (c) Emergency measures and martial law.
- (d) Police laws.

It is provided that the right of veto shall cover all emergency measures of decisions, but not those which concern the normal functioning of the police and gendarmerie.

Source:

<http://www.trncinfo.com/TANITMADAIRESI/2002/ENGLISH/DOCUMENTS/1.htm>

APPENDIX 4

Treaty Concerning the Establishment of The Republic of Cyprus

The United Kingdom of Great Britain and Northern Ireland, the Kingdom of Greece and the Republic of Turkey of the one part and the Republic of Cyprus of the other part:

Desiring to make provisions to give effect to the Declaration made by the Government of the United Kingdom on the 17th of February, 1959, during the Conference at London, in accordance with the subsequent Declarations made at the Conference by the Foreign Ministers of Greece and Turkey, by the Representative of the Greek Cypriot Community and by the Representative of the Greek Cypriot Community and by the Representative of the Turkish Cypriot Community;

Taking note of the terms of the Treaty of Guarantee signed to-day by the Parties to this Treaty;

Have agreed as follows;

ARTICLE 1

The territory of the Republic of Cyprus shall comprise the island of Cyprus, together with the islands lying off its coast, with the exception of the two areas defined in Annex A to this Treaty, which areas shall remain under the sovereignty of the United Kingdom. These areas are in this Treaty and its Annexes referred to as the Akrotiri Sovereign Base Area and the Dhekelia Sovereign Base Area.

ARTICLE 2

(1) The Republic of Cyprus

(2) The Republic of Cyprus shall co-operate fully with the United Kingdom to ensure the security and effective operation of the military bases situated in the Akrotiri Sovereign Base Area and the Dhekelia Sovereign Base Area, and the full enjoyment by the United Kingdom of the rights conferred by this Treaty.

ARTICLE 3

The Republic of Cyprus, Greece, Turkey and the United Kingdom undertake to consult and co-operate in the common defense of Cyprus.

ARTICLE 4

The arrangements concerning the status of forces in the Island of Cyprus shall be those contained in Annex C to this Treaty.

ARTICLE 5

The Republic of Cyprus shall secure to everyone within its jurisdiction human rights and fundamental freedoms comparable to those set out in section I of the European Convention for the Protection of Human Rights and Fundamental signed at Rome on the 4th of November, 1950, and the Protocol to that Convention signed at Paris on the 20th of March.

ARTICLE 6

The arrangements concerning the nationality of persons affected by the establishment of the Republic of Cyprus shall be those contained in Annex D to this Treaty.

ARTICLE 7

The Republic of Cyprus and the United Kingdom accept and undertake to carry out the necessary financial and administrative arrangements to settle questions arising out of the termination of British administration in the territory of the Republic of Cyprus. These arrangements are set forth in Annex E to this Treaty.

ARTICLE 8

(1) All international obligations and responsibilities of the Government of the United Kingdom shall henceforth, in so far as they may be held to have application to the Republic of Cyprus, be assumed by the Government of the Republic of Cyprus.

(2) The international rights and benefits heretofore enjoyed by the Government of the United Kingdom in virtue of their application to the territory of the Republic of Cyprus shall henceforth be enjoyed by the Government of the Republic of Cyprus.

ARTICLE 9

The Parties to this Treaty accept and undertake to carry out the arrangements concerning trade, commerce and other matters set forth in Annex F to this Treaty.

ARTICLE 10

Any question or difficulty as to the interpretation of the provisions of this Treaty shall be settled as follows:

(a) Any question or difficulty that may arise over the operation of the military requirements of the United Kingdom, or concerning the provisions of this Treaty in so far as they affect the status, rights and obligations of United Kingdom forces or any other forces associated with them under the terms of this Treaty, or of Greek, Turkish and Cypriot forces, shall ordinarily be settled by negotiation between the tripartite Headquarters of the Republic of Cyprus, Greece and Turkey and the authorities of the armed forces of the United Kingdom.

(2) Any question or difficulty as to the interpretation of the provisions of this Treaty on which agreement cannot be reached by negotiation between the military authorities in the cases described above, or, in other cases, by negotiation between the Parties concerned through the diplomatic channel, shall be composed of four representatives, one each to be nominated by the Government of the United Kingdom, the Government of Greece, the Government of Turkey and the Government of the Republic of Cyprus, together with an independent chairman nominated by the President of the International Court of Justice. If the President is a citizen of the United Kingdom and Colonies or of the Republic of Cyprus of Greece or of Turkey, the Vice-President shall be requested to act; and, if he also is such a citizen, the next senior Judge of the Court.

ARTICLE 11

The Annexes to this Treaty shall have force and effect as integral parts of this Treaty.

ARTICLE 12

This Treaty shall enter into force on signature by all the Parties to it.

ADDITIONAL PROTOCOL No. I

I. The Greek and Turkish contingents which are to participate in the Tripartite Headquarters shall comprise respectively 950 Greek officers, non-commissioned officers and men, and 650 Turkish officers, non-commissioned officers and men.

II. The President and the Vice-President of the Republic of Cyprus, acting in agreement, may request the Greek and Turkish Governments to increase or reduce the Greek and Turkish contingents.

III. It is agreed that the sites of the cantonments for the Greek and Turkish contingents participating in the Tripartite Headquarters, their juridical status, facilities and exemptions in respect of customs and taxes, as well as other immunities and privileges and any other military and technical questions concerning the organisation and operation of the Headquarters mentioned above shall be determined by a Special Convention which shall come into force not later than the Treaty of Alliance.

IV. It is likewise agreed that the Tripartite Headquarters shall be set up not later than three months after the completion of the tasks of the Mixed. Commission for the Cyprus Constitution and shall consist, in the initial period, of a limited number of officers charged with the training of the armed forces of the Republic of Cyprus. The Greek and

Turkish contingents mentioned above will arrive in Cyprus on the date of signature of the Treaty of Alliance.

ADDITIONAL PROTOCOL No.II

ARTICLE I

A Committee shall be set up consisting of the Foreign Ministers of Cyprus, Greece and Turkey, It shall constitute the supreme political body of the Tripartite Alliance and may take cognizance of any question concerning the Alliance which the Governments of the three Allied countries shall agree to submit to it.

ARTICLE II

The Committee of Ministers shall meet in ordinary session by its Chairman at the request of one of the members of the Alliance.

Decisions of the Committee of Ministers shall be unanimous.

ARTICLE III

The Committee of Ministers shall be presided over in rotation and for a period of one year, by each of the three Foreign Ministers. It will hold its ordinary sessions, unless it is decided otherwise, in the capital of the Chairman's country. The Chairman shall, during the year in which he holds office, preside over sessions of the Committee of Ministers, both ordinary and special.

The Committee may set up subsidiary bodies whenever it shall judge it to be necessary for the fulfillment of its task.

ARTICLE IV

The Tripartite Headquarters established by the Treaty of Alliance shall be responsible to the Committee of Ministers in the performance of its functions. It shall submit to it, during the Committee's ordinary session, an annual report comprising a detailed account of the Headquarters' activities.

Source:

<http://www.mfa.gov.tr/MFA/ForeignPolicy/MainIssues/Cyprus/Treaty+Concerning+The+Establishment+of+The+Republic+of+Cyprus.htm>

APPENDIX 5

Treaty of Guarantee

The Republic of Cyprus of the one part, and Greece, the United Kingdom and Turkey of the other part:

I. Considering that the recognition and maintenance of the independence, territorial integrity and security of the Republic of Cyprus, as established and regulated by the Basic articles of its Constitution, are in their common interest:

II. Desiring to co-operate to ensure that the provisions of the aforesaid Constitution shall be respected;

Have agreed as follows:

ARTICLE 1

The Republic of Cyprus undertakes to ensure the maintenance of its independence, territorial integrity and security, as well as respect for its Constitution.

It undertakes not to participate, in whole or in part, in any political or economic union with any State whatsoever. With this intent it prohibits all activity tending to promote directly or indirectly either union or partition of the Island.

ARTICLE 2

Greece, the United Kingdom and Turkey, taking note of the undertakings by the Republic of Cyprus embodied in Article 1, recognize and guarantee the independence, territorial integrity and security of the Republic of Cyprus, and also the provisions of the basic articles of its Constitution.

They likewise undertake to prohibit, as far as lies within their power, all activity having the object of promoting directly or indirectly either the union of the Republic of Cyprus with any other State, or the partition of the Island.

ARTICLE 3

In the event of any breach of the provisions of the present Treaty, Greece, the United Kingdom, and Turkey undertake to consult together, with a view to making representations, or taking the necessary steps to ensure observance of those provisions.

In so far as common or concerted action may prove impossible, each of the three guaranteeing Powers reserves the right to take action with the sole aim of re-establishing the state of affairs established by the present Treaty.

ARTICLE 4

The present Treaty shall enter into force on signature.

The High Contracting Parties undertake to register the present Treaty at the earliest possible date with the Secretariat of the United Nations, in accordance with the provisions of Article 102 of the Charter.

Source:

<http://www.trncinfo.com/TANITMADAIRESI/2002/ENGLISH/DOCUMENTS/1.htm>

APPENDIX 6

Treaty of Alliance

1. The Republic of Cyprus, Greece and Turkey shall co-operate for their common defense and undertake by this Treaty to consult together on the problems raised by this defense.

2. The High Contracting Parties undertake to resist any attack or aggression, direct or indirect, directed against the independence and territorial integrity of the Republic of Cyprus.

3. In the spirit of this alliance and in order to fulfill the above purpose a tripartite Headquarters shall be established on the territory of the Republic of Cyprus.

4. Greece shall take part in the Headquarters mentioned in the preceding article with a contingent of 950 officers, non-commissioned officers and soldiers and Turkey with a contingent of 650 officers, non-commissioned officers and soldiers. The President and the Vice-President of the Republic of Cyprus, acting in agreement, may ask the Greek and Turkish Governments to increase or reduce the Greek and Turkish contingents.

5. The Greek and Turkish officers mentioned above shall be responsible for the training of the Army of the Republic of Cyprus.

6. The command of the tripartite Headquarters shall be assumed in rotation and for a period of one year each by a Cypriot, Greek and Turkish General Officer, who shall be nominated by the Governments of Greece and Turkey and by the President and the Vice-President of the Republic of Cyprus.

Source:

<http://www.trncinfo.com/TANITMADAIRESI/2002/ENGLISH/DOCUMENTS/1.htm>

APPENDIX 7

Constitution of Republic of Cyprus 1960

Appendix D: Part 1 - General Provisions Article 1

The State of Cyprus is an independent and sovereign Republic with a presidential regime, the President being Greek and the Vice-President being Turk elected by the Greek and the Turkish Communities of Cyprus respectively as hereinafter in this Constitution provided.

Article 2

For the purposes of this Constitution:

the Greek Community comprises all citizens of the Republic who are of Greek origin and whose mother tongue is Greek or who share the Greek cultural traditions or who are members of the Greek-Orthodox Church;

the Turkish Community comprises all citizens of the Republic who are of Turkish origin and whose mother tongue is Turkish or who share the Turkish cultural traditions or who are Moslems;

citizens of the Republic who do not come within the provisions of paragraph (1) or (2) of this Article shall, within three months of the date of the coming into operation of this Constitution, opt to belong to either the Greek or the Turkish Community as individuals, but, if they belong to a religious group, shall so opt as a religious group and upon such option they shall be deemed to be members of such Community:

Provided that any citizen of the Republic who belongs to such a religious group may choose not to abide by the option of such group and by a written and signed declaration submitted within one month of the date of such option to the appropriate officer of the Republic and to the Presidents of the Greek and the Turkish Communal Chambers opt to belong to the Community other than that to which such group shall be deemed to belong: Provided further that if an option of such religious group is not accepted on the ground that its members are below the requisite number any member of such group may within one month of the date of the refusal of acceptance of such option opt in the aforesaid manner as an individual to which Community he would like to belong.

For the purposes of this paragraph a " religious group " means a group of persons ordinarily resident in Cyprus professing the same religion and either belonging to the same rite or being subject to the same jurisdiction thereof the number of whom, on the date of the coming into operation of this Constitution, exceeds one thousand out of which at least five hundred become on such date citizens of the Republic; a person who becomes a citizen of the Republic at any time after three months of the date of the coming into operation of this Constitution shall exercise the option provided in paragraph (3) of this Article within three months of the date of his so becoming a citizen; a Greek or a Turkish citizen of the Republic who comes within the provisions of paragraph (1) or (2) of this Article may cease to belong to the Community of which he is a member and belong to the other Community upon - written and signed declaration by such citizen to the effect that he desires such change, submitted to the appropriate officer of the Republic and to the Presidents of the Greek and the Turkish Communal Chambers; the approval of the Communal Chamber of such other Community;

(6) any individual or any religious group deemed to belong to either the Greek or the Turkish Community under the provisions of paragraph (3) of this Article may cease to belong to such Community and be deemed to belong to the other Community upon - a written and signed declaration by such individual or religious group to the effect that such change is desired, submitted to the appropriate officer of the Republic and to the

Presidents of the Greek and the Turkish Communal Chambers; the approval of the Communal Chamber of such other Community;

(7) (a) a married woman shall belong to the Community to which her husband belongs.

(b) a male or female child under the age of twenty-one who is not married shall belong to the Community to which his or her father belongs, or, if the father is unknown and he or she has not been adopted, to the Community to which his or her mother belongs.

Article 3

The official languages of the Republic are Greek and Turkish.

Legislative, executive and administrative acts and documents shall be drawn up in both official languages and shall, where under the express provisions of this Constitution promulgation is required, be promulgated by publication in the official Gazette of the Republic in both official languages.

Administrative or other official documents addressed to a Greek or a Turk shall be drawn up in the Greek or the Turkish language respectively.

Judicial proceedings shall be conducted or made and judgements shall be drawn up in the Greek language if the parties are Greek, in the Turkish language if the parties are Turkish, and in both the Greek and the Turkish languages if the parties are Greek and Turkish. The official language or languages to be used for such purposes in all other cases shall be specified by the Rules of Court made by the High Court under Article 163.

Any text in the official Gazette of the Republic shall be published in both official languages in the same issue.

(1) Any difference between the Greek and the Turkish texts of any legislative, executive or administrative act or document published in the official Gazette of the Republic, shall be resolved by a competent court.

The prevailing text of any law or decision of a Communal Chamber published in the official Gazette of the Republic shall be that of the language of the Communal Chamber concerned.

Where any difference arises between the Greek and the Turkish texts of an executive or administrative act or document which, though not published in the official Gazette of the Republic, has otherwise been published, a statement by the Minister or any other authority concerned as to which text should prevail or which should be the correct text shall be final and conclusive.

A competent court may grant such remedies as it may deem just in any case of a difference in the texts as aforesaid.

The two official languages shall be used on coins, currency notes and stamps.

Every person shall have the right to address himself to the authorities of the Republic in either of the official languages.

Article 4

1. The Republic shall have its own flag of neutral design and colour, chosen jointly by the President and the Vice-President of the Republic.

The authorities of the Republic and any public corporation or public utility body created by or under the laws of the Republic shall fly the flag of the Republic and they shall have the right to fly on holidays together with the flag of the Republic both the Greek and the Turkish flags at the same time.

The Communal authorities and institutions shall have the right to fly on holidays together with the flag of the Republic either the Greek or the Turkish flag at the same time.

Any citizen of the Republic or any body, corporate or unincorporate other than public, whose members are citizens of the Republic, shall have the right to fly on their premises the flag of the Republic or the Greek or the Turkish flag without any restriction.

Article 5

The Greek and the Turkish Communities shall have the right to celebra respectively the Greek and the Turkish national holidays.

Appendix D: Part 2 - Fundamental Rights and Liberties

Article 6

Subject to the express provisions of this Constitution no law or decision of the House of Representatives or of any of the Communal Chambers, and no act or decision of any organ, authority or person in the Republic exercising executive power or administrative functions, shall discriminate against any of the two Communities or any person as a person or by virtue of being a member of a Community.

Article 7

Every person has the right to life and corporal integrity.

No person shall be deprived of his life except in the execution of a sentence of a competent court following his conviction of an offence for which this penalty is provided by law. A law may provide for such penalty only in cases of premeditated murder, high treason, piracy jure gentium and capital offences under military law.

Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary -
in defence of person or property against the infliction of a proportionate and otherwise unavoidable and irreparable evil;
in order to effect an arrest or to prevent the escape of a person lawfully detained;
in action taken for the purpose of quelling a riot or insurrection when and as provided by law.

Article 8

No person shall be subjected to torture or to inhuman or degrading punishment or treatment.

Article 9

Every person has the right to a decent existence and to social security. A law shall provide for the protection of the workers, assistance to the poor and for a system of social insurance.

Article 10

No person shall be held in slavery or servitude.

No person shall be required to perform forced or compulsory labour.

For the purposes of this Article the term " forced or compulsory labour " shall not include -any work required to be done in the ordinary course of detention imposed according to the provisions of Article 11 or during conditional release from such detention;
any service of a military character if imposed or, in case of conscientious objectors, subject to their recognition by a law, service exacted instead of compulsory military service;
any service exacted in case of an emergency or calamity threatening the life or well-being of the inhabitants.

Article 11

Every person has the right to liberty and security of person.

No person shall be deprived of his liberty save in the following cases when and as provided by law: the detention of a person after conviction by a competent court;
the arrest or detention of a person for non-compliance with the lawful order of a court;
the arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;
the detention of a minor by a lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;
the detention of persons for the prevention of spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;

the arrest or detention of a person to prevent him effecting an unauthorised entry into the territory of the Republic or of an alien against whom action is being taken with a view to deportation or extradition.

Save when and as provided by law in case of a flagrant offence punishable with death or imprisonment, no person shall be arrested save under the authority of a reasoned judicial warrant issued according to the formalities prescribed by the law.

Every person arrested shall be informed at the time of his arrest in a language which he understands of the reasons for his arrest and shall be allowed to have the services of a lawyer of his own choosing.

The person arrested shall, as soon as is practicable after his arrest, and in any event not later than twenty-four hours after the arrest, be brought before a judge, if not earlier released.

The judge before whom the person arrested is brought shall promptly proceed to inquire into the grounds of the arrest in a language understandable by the person arrested and shall, as soon as possible and in any event not later than three days from such appearance, either release the person arrested on such terms as he may deem fit or where the investigation into the commission of the offence for which he has been arrested has not been completed remand him in custody and may remand him in custody from time to time for a period not exceeding eight days at any one time:

Provided that the total period of such remand in custody shall not exceed three months of the date of the arrest on the expiration of which every person or authority having the custody of the person arrested shall forthwith set him free.

Any decision of the judge under this paragraph shall be subject to appeal.

Every person who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

Every person who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.

Article 12

1. No person shall be held guilty of any offence on account of any act or omission which did not constitute an offence under the law at the time when it was committed; and no person shall have a heavier punishment imposed on him for an offence other than that expressly provided for it by law at the time when it was committed.

A person who has been acquitted or convicted of an offence shall not be tried again for the same offence. No person shall be punished twice for the same act or omission except where death ensues from such act or omission.

No law shall provide for a punishment which is disproportionate to the gravity of the offence.

Every person charged with an offence shall be presumed innocent until proved guilty according to law.

Every person charged with an offence has the following minimum rights: -

to be informed promptly and in a language which he understands and in detail of the nature and grounds of the charge preferred against him;

to have adequate time and facilities for the preparation of his defence;

to defend himself in person or through a lawyer of his own choosing or, if he has no sufficient means to pay for legal assistance, to be given free legal assistance when the interests of justice so require;

to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

6. A punishment of general confiscation of property is prohibited.
Article 13

1. Every person has the right to move freely throughout the territory of the Republic and to reside in any part thereof subject to any restrictions imposed by law and which are necessary only for the purposes of defence or public health or provided as punishment to be passed by a competent court.

2. Every person has the right to leave permanently or temporarily the territory of the Republic subject to reasonable restrictions imposed by law.

Article 14

No citizen shall be banished or excluded from the Republic under any circumstances.

Article 15

Every person has the right to respect for his private and family life.

There shall be no interference with the exercise of this right except such as is in accordance with the law and is necessary only in the interests of the security of the Republic or the constitutional order or the public safety or the public order or the public health or the public morals or for the protection of the rights and liberties guaranteed by this Constitution to any person.

Article 16

Every person's dwelling house is inviolable.

There shall be no entry in any dwelling house or any search therein except when and as provided by law and on a judicial warrant duly reasoned or when the entry is made with the express consent of its occupant or for the purpose of rescuing the victims of any offence of violence or of any disaster.

Article 17

Every person has the right to respect for, and to the secrecy of, his correspondence and other communication if such other communication is made through means not prohibited by law.

There shall be no interference with the exercise of this right except in accordance with the law and only in cases of convicted and unconvicted prisoners and business correspondence and communication of bankrupts during the bankruptcy administration.

Article 18

Every person has the right to freedom of thought, conscience and religion.

All religions whose doctrines or rites are not secret are free.

All religions are equal before the law. Without prejudice to the competence of the Communal Chambers under this Constitution, no legislative, executive or administrative act of the Republic shall discriminate against any religious institution or religion.

Every person is free and has the right to profess his faith and to manifest his religion or belief, in worship, teaching, practice or observance, either individually or collectively, in private or in public, and to change his religion or belief.

The use of physical or moral compulsion for the purpose of making a person change or preventing him from changing his religion is prohibited.

Freedom to manifest one's religion or belief shall be subject only to such limitations as are prescribed by law and are necessary in the interests of the security of the Republic or the constitutional order or the public safety or the public order or the public health or the public morals or for the protection of the rights and liberties guaranteed by this Constitution to any person.

Until a person attains the age of sixteen the decision as to the religion to be professed by him shall be taken by the person having the lawful guardianship of such person.

No person shall be compelled to pay any tax or duty the proceeds of which are specially allocated in whole or in part for the purposes of a religion other than his own.

Article 19

Every person has the right to freedom of speech and expression in any form.

This right includes freedom to hold opinions and receive and impart information and ideas without interference by any public authority and regardless of frontiers.

The exercise of the rights provided in paragraphs 1 and 2 of this Article may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary only in the interests of the security of the Republic or the constitutional order or the public safety or the public order or the public health or the public morals or for the protection of the reputation or rights of others or for preventing the disclosure of information received in confidence or for maintaining the authority and impartiality of the judiciary.

Seizure of newspapers or other printed matter is not allowed without the written permission of the Attorney-General of the Republic, which must be confirmed by the decision of a competent court within a period not exceeding seventy-two hours, failing which the seizure shall be lifted.

Nothing in this Article contained shall prevent the Republic from requiring the licensing of sound and vision broadcasting or cinema enterprises.

Article 20

Every person has the right to receive, and every person or institution has the right to give, instruction or education subject to such formalities, conditions or restrictions as are in accordance with the relevant communal law and are necessary only in the interests of the security of the Republic or the constitutional order or the public safety or the public order or the public health or the public morals or the standard and quality of education or for the protection of the rights and liberties of others including the right of the parents to secure for their children such education as is in conformity with their religious convictions.

Free primary education shall be made available by the Greek and the Turkish Communal Chambers in the respective communal primary schools.

Primary education shall be compulsory for all citizens of such school age as may be determined by a relevant communal law.

Education, other than primary education, shall be made available by the Greek and the Turkish Communal Chambers, in deserving and appropriate cases, on such terms and conditions as may be determined by a relevant communal law.

Article 21

Every person has the right to freedom of peaceful assembly.

Every person has the right to freedom of association with others, including the right to form and to join trade unions for the protection of his interests. Notwithstanding any restriction under paragraph 3 of this Article, no person shall be compelled to join any association or to continue to be a member thereof.

No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are absolutely necessary only in the interests of the security of the Republic or the constitutional order or the public safety or the public order or the public health or the public morals or for the protection of the rights and liberties guaranteed by this Constitution to any person, whether or not such person participates in such assembly or is a member of such association.

Any association the object or activities of which are contrary to the constitutional order is prohibited.

A law may provide for the imposition of restrictions on the exercise of these rights by members of the armed forces, the police or gendarmerie.

Subject to the provisions of any law regulating the establishment or incorporation, membership (including rights and obligations of members), management and administration, and winding up and dissolution, the provisions of this Article shall also apply to the formation of companies, societies and other associations functioning for profit.

Article 22

Any person reaching nubile age is free to marry and to found a family according to the law relating to marriage, applicable to such person under the provisions of this Constitution.

The provisions of paragraph 1 of this Article shall, in the following cases, be applied as follows: -

if the law relating to marriage applicable to the parties as provided under Article 111 is not the same, the parties may elect to have their marriage governed by the law applicable to either of them under such Article;

if the provisions of Article 111 are not applicable to any of the parties to the marriage and neither of such parties is a member of the Turkish Community, the marriage shall be governed by a law of the Republic which the House of Representatives shall make and which shall not contain any restrictions other than those relating to age, health, proximity of relationship and prohibition of polygamy;

(c) if the provisions of Article 111 are applicable only to one of the parties to the marriage and the other party is not a member of the Turkish Community, the marriage shall be governed by the law of the Republic as in sub-paragraph (b) of this paragraph provided:

Provided that the parties may elect to have their marriage governed by the law applicable, under Article 111, to one of such parties in so far as such law allows such marriage.

3. Nothing in this Article contained shall, in any way, affect the rights, other than those on marriage, of the Greek-Orthodox Church or of any religious group to which the provisions of paragraph 3 of Article 2 shall apply with regard to their respective members as provided in this Constitution.

Article 23

1. Every person, alone or jointly with others, has the right to acquire, own, possess, enjoy or dispose of any movable or immovable property and has the right to respect for such right.

The right of the Republic to underground water, minerals and antiquities is reserved.

No deprivation or restriction or limitation of any such right shall be made except as provided in this Article.

Restrictions or limitations which are absolutely necessary in the interest of the public safety or the public health or the public morals or the town and country planning or the development and utilisation of any property to the promotion of the public benefit or for the protection of the rights of others may be imposed by law on the exercise of such right.

Just compensation shall be promptly paid for any such restrictions or limitations which materially decrease the economic value of such property: such compensation to be determined in case of disagreement by a civil court.

4. Any movable or immovable property or any right over or interest in any such property may be compulsorily acquired by the Republic or by a municipal corporation or by a Communal Chamber for the educational, religious, charitable or sporting institutions, bodies or establishments within its competence and only from the persons belonging to its respective Community or by a public corporation or a public utility body on which such right has been conferred by law, and only -

(a) for a purpose which is to the public benefit and shall be specially provided by a general law for compulsory acquisition which shall be enacted within a year from the date of the coming into operation of this Constitution; and when such purpose is established by a decision of the acquiring authority and made under the provisions of such law stating clearly the reasons for such acquisition; and

upon the payment in cash and in advance of a just and equitable compensation to be determined in case of disagreement by a civil court.

Any immovable property or any right over or interest in any such property compulsorily acquired shall only be used for the purpose for which it has been acquired. If within three years of the acquisition such purpose has not been attained, the acquiring authority shall, immediately after the expiration of the said period of three years, offer the property at the

price it has been acquired to the person from whom it has been acquired. Such person shall be entitled within three months of the receipt of such offer to signify his acceptance or non-acceptance of the offer, and if he signifies acceptance, such property shall be returned to him immediately after his returning such price within a further period of three months from such acceptance.

In the event of agricultural reform, lands shall be distributed only to persons belonging to the same Community as the owner from whom such land has been compulsorily acquired. Nothing in paragraphs 3 and 4 of this Article contained shall affect the provisions of any law made for the purpose of levying execution in respect of any tax or penalty, executing any judgement, enforcing any contractual obligation or for the prevention of danger to life or property.

Any movable or immovable property may be requisitioned by the Republic or by a Communal Chamber for the purposes of the educational, religious, charitable or sporting institutions, bodies or establishments within its competence and only where the owner and the person entitled to possession of such property belong to the respective Community, and only -

for a purpose which is to the public benefit and shall be specially provided by a general law for requisitioning which shall be enacted within a year from the date of the coming into operation of this Constitution; and

when such purpose is established by a decision of the requisitioning authority and made under the provisions of such law stating clearly the reasons for such requisitioning; and for a period not exceeding three years; and

upon the prompt payment in cash of a just and equitable compensation to be determined in case of disagreement by a civil court.

9. Notwithstanding anything contained in this Article no deprivation restriction or limitation of the right provided in paragraph I of this Article. in respect of any movable or immovable property belonging to any See, monastery, church or any other ecclesiastical corporation or any right over it or interest therein shall be made except with the written consent of the appropriate ecclesiastical authority being in control of such property and the provisions of paragraphs 3, 4, 7 and 8 of this Article shall be subject to the provisions of this paragraph:

Provided that restrictions or limitations for the purposes of town and country planning under the provisions of paragraph 3 of this Article are exempted from the provisions of this paragraph.

10. Notwithstanding anything contained in this Article, no deprivation, restriction or limitation of any right provided in paragraph 1 of this Article in respect of any vakf movable or immovable property, including the objects and subjects of the vakfs and the properties belonging to the Mosques or to any other Moslem religious institutions, or any right thereon or interest therein shall be made except with the approval of the Turkish Communal Chamber and subject to the Laws and Principles of Vakfs and the provisions of paragraphs 3, 4, 7 and 8 of this Article shall be subject to the provisions of this paragraph:

Provided that restrictions or limitations for the purposes of town and country planning under the provisions of paragraph 3 of this Article are exempted from the provisions of this paragraph.

11. Any interested person shall have the right of recourse to the court in respect of or under any of the provisions of this Article, and such recourse shall act as a stay of proceedings for the compulsory acquisition; and in case of any restriction or limitation imposed under paragraph 3 of this Article, the court shall have power to order stay of any proceedings in respect thereof. Any decision of the court under this paragraph shall be subject to appeal.

Article 24

Every person is bound to contribute according to his means towards the public burdens.

No such contribution by way of tax, duty or rate of any kind whatsoever shall be imposed save by or under the authority of a law.

No tax, duty or rate of any kind whatsoever shall be imposed with retrospective effect:

Provided that any import duty may be imposed as from the date of the introduction of the relevant Bill.

4. No tax, duty or rate of any kind whatsoever other than customs duties shall be of a destructive or prohibitive nature.

Article 25 Every person has the right to practice any profession or to carry on any occupation, trade or business.

The exercise of this right may be subject to such formalities, conditions or restrictions as are prescribed by law and relate exclusively to the qualifications usually required for the exercise of any profession or are necessary only in the interests of the security of the Republic or the constitutional order or the public safety or the public order or the public health or the public morals or for the protection of the rights and liberties guaranteed by this Constitution to any person or in the public interest:

Provided that no such formalities, conditions or restrictions purporting to be in the public interest shall be prescribed by a law if such formality, condition or restriction is contrary to the interests of either Community.

3. As an exception to the aforesaid provisions of this Article a law may provide, if it is in the public interest, that certain enterprises of the nature of an essential public service or relating to the exploitation of sources of energy or other natural resources shall be carried out exclusively by the Republic or a municipal corporation or by a public corporate body created for the purpose by such law and administered under the control of the Republic, and having a capital which may be derived from public and private funds or from either such source only:

Provided that, where such enterprise has been carried out by any person, other than a municipal corporation or a public corporate body, the installations used for such enterprise shall, at the request of such person, be acquired, on payment of a just price, by the Republic or such municipal corporation or such public corporate body, as the case may be.

Article 26

Every person has the right to enter freely into any contract subject to such conditions, limitations or restrictions as are laid down by the general principles of the law of contract. A law shall provide for the prevention of exploitation by persons who are commanding economic power.

A law may provide for collective labour contracts of obligatory fulfilment by employers and workers with adequate protection of the rights of any person, whether or not represented at the conclusion of such contract.

Article 27

1. The right to strike is recognised and its exercise may be regulated by law for the purposes only of safeguarding the security of the Republic or the constitutional order or the public order or the public safety or the maintenance of supplies and services essential to the life of the inhabitants or the protection of the rights and liberties guaranteed by this Constitution to any person.

2. The members of the armed forces, of the police and of the gendarmerie shall not have the right to strike. A law may extend such prohibition to the members of the public service.

Article 28

All persons are equal before the law, the administration and justice and are entitled to equal protection thereof and treatment thereby.

Every person shall enjoy all the rights and liberties provided for in this Constitution without any direct or indirect discrimination against any person on the ground of his community, race, religion, language, sex, political

or other convictions, national or social descent, birth, colour, wealth, social class, or on any ground whatsoever, unless there is express provision to the contrary in this Constitution.

No citizen shall be entitled to use or enjoy any privilege of any title of nobility or of social distinction within the territorial limits of the Republic.

No title or nobility or other social distinction shall be conferred by or recognised in the Republic.

Article 29

Every person has the right individually or jointly with others to address written requests or complaints to any competent public authority and to have them attended to and decided expeditiously; an immediate notice of any such decision taken duly reasoned shall be given to the person making the request or complaint and in any event within a period not exceeding thirty days.

Where any interested person is aggrieved by any such decision or where no such decision is notified to such person within the period specified in paragraph 1 of this Article, such person may have recourse to a competent court in the matter of such request or complaint.

Article 30

No person shall be denied access to the court assigned to him by or under this Constitution. The establishment of judicial committees or exceptional courts under any name whatsoever is prohibited.

In the determination of his civil rights and obligations or of any criminal charge against him, every person is entitled to a fair and public hearing within a reasonable time by an independent, impartial and competent court established by law. Judgement shall be reasoned and pronounced in public session, but the press and the public may be excluded from all or any part of the trial upon a decision of the court where it is in the interest of the security of the Republic or the constitutional order or the public order or the public safety or the public morals or where the interests of juveniles or the protection of the private life of the parties so require or, in special circumstances where, in the opinion of the court, publicity would prejudice the interests of justice.

3. Every person has the right -

to be informed of the reasons why he is required to appear before the court;

to present his case before the court and to have sufficient time necessary for its preparation;

to adduce or cause to be adduced his evidence and to examine witnesses according to law;

to have a lawyer of his own choice and to have free legal assistance where the interests of justice so require and as provided by law;

to have free assistance of an interpreter if he cannot understand or speak the language used in court.

Article 31

Every citizen has, subject to the provisions of this Constitution and any electoral law of the Republic or of the relevant Communal Chamber made there under, the right to vote in any election held under this Constitution or any such law.

Article 32

Nothing in this Part contained shall preclude the Republic from regulating by law any matter relating to aliens in accordance with International Law.

Article 33

Subject to the provisions of this Constitution relating to a state of emergency, the fundamental rights and liberties guaranteed by this Part shall not be subjected to any other limitations or restrictions than those in this Part provided.

The provisions of this Part relating to such limitations or restrictions shall be interpreted strictly and shall not be applied for any purpose other than those for which they have been prescribed.

Article 34

Nothing in this Part may be interpreted as implying for any Community, group or person any right to engage in any activity or perform any act aimed at the undermining or destruction of the constitutional order established by this Constitution or at the destruction of any of the rights and liberties set forth in this Part or at their limitation to a greater extent than is provided for therein.

Article 35 The legislative, executive and judicial authorities of the Republic shall be bound to secure, within the limits of their respective competence, the efficient application of the provisions of this Part.

Appendix D: Part 3 - The President of the Republic, The Vice President of the Republic and the Council of Ministers

Article 36

1. The President of the Republic is the Head of the State and takes precedence over all persons in the Republic.

The Vice-President of the Republic is the Vice-Head of the State and takes precedence over all persons in the Republic next after the President of the Republic.

Deputising for or replacing the President of the Republic in case of his temporary absence or temporary incapacity to perform his duties is made as provided in paragraph 2 of this Article.

2. In the event of a temporary absence or a temporary incapacity to perform the duties of the President or of the Vice-President of the Republic, the President or the Vice-President of the House of Representatives and, in case of his absence or pending the filling of a vacancy in any such office, the Representative acting for him under Article 72 shall act for the President or the Vice-President of the Republic respectively during such temporary absence or temporary incapacity.

Article 37

The President of the Republic as Head of the State -

represents the Republic in all its official functions;

signs the credentials of diplomatic envoys appointed under Article 54 and receives the credentials of foreign diplomatic envoys who shall be accredited to him;

signs -

(i) the credentials of delegates appointed under Article 54 for the negotiation of international treaties, conventions or other agreements, or for signing any such treaties, conventions or agreements already negotiated, in accordance with, and subject to, the provisions of this Constitution;

(ii) the letter relating to the transmission of the instruments of ratification of any international treaties, conventions or agreements approved as provided in this Constitution;

(d) confers the honours of the Republic.

Article 38

1. The Vice-President of the Republic as Vice-Head of the State has the right to -
be present in all official functions;

be present at the presentation of the credentials of the foreign diplomatic envoys;

recommend to the President of the Republic the conferment of honours of the Republic on members of the Turkish Community which recommendation the President shall accept unless there are grave reasons to the contrary. The honours so conferred will be presented to the recipient by the Vice-President if he so desires.

2. For the purposes of sub-paragraphs (a) and (b) of paragraph 1 of this Article, the necessary information shall be given to the Vice-President of the Republic in writing in sufficient time before any such event.

Article 39

1. The election of the President and the Vice-President of the Republic shall be direct, by universal suffrage and secret ballot, and shall, except in the case of a by-election, take place on the same day but separately:

Provided that in either case if there is only one candidate for election that candidate shall be declared as elected.

The candidate who receives more than fifty per centum of the votes validly cast shall be elected. If none of the candidates attains the required majority the election shall be repeated on the corresponding day of the week next following between the two candidates who received the greater number of the votes validly cast and the candidate who receives at such repeated election the greatest number of the votes validly cast shall be deemed to be elected.

If the election cannot take place on the date fixed under this Constitution owing to extraordinary and unforeseen circumstances such as earthquake, floods, general epidemic and the like, then such election shall take place on the corresponding day of the week next following.

Article 40

A person shall be qualified to be a candidate for election as President Vice-President of the Republic if at the time of election such person-(a) is a citizen of the Republic; has attained the age of thirty-five years; has not been, on or after the date of the coming into operation of this] Constitution, convicted of an offence involving dishonesty or moral turpitude or is not under any disqualification imposed by a competent court for any electoral offence; is not suffering from a mental disease incapacitating such person from acting as President or Vice-President of the Republic.

Article 41

1. The office of the President and of the Vice-President of the Republic shall be incompatible with that of a Minister or of a Representative or of a member of a Communal Chamber or of a member of any municipal council including a Mayor or of a member of the armed or security forces of the Republic or with a public or municipal office.

For the purposes of this Article "public office" means any office of profit in the public service of the Republic or of a Communal Chamber, the emoluments of which are under the control either of the Republic or of a Communal Chamber, and includes any office in any public corporation or public utility body.

2. The President and the Vice-President of the Republic shall not, during their term of office, engage either directly or indirectly, either for their own account or for the account of any other person, in the exercise of any profit or non-profit making business or profession.

Article 42

The President and the Vice-President of the Republic are invested by the House of Representatives before which they make the following affirmation:-"I do solemnly affirm faith to, and respect for, the Constitution and the laws made there under, the preservation of the independence and the territorial integrity, of the Republic of Cyprus".

For this purpose the House of Representatives shall meet on the date the five years' period of office of the outgoing President and the outgoing Vice-President of the Republic expires, and in the case of a by-election under paragraph 4 of Article 44 on the third day from the date of such by-election.

Article 43

1. The President and the Vice-President of the Republic shall hold office for a period of five years commencing on the date of their investiture and shall continue to hold such office until the next elected President and Vice-President of the Republic are invested. The President or the Vice-President of the Republic elected at a by-election under paragraph 4 of Article 44 shall hold office for the unexpired period of office of the President or the Vice-President of the Republic, as the case may be, whose vacancy he has been elected to fill.

The election of a new President and Vice-President of the Republic shall take place before the expiration of the five years' period of office of the outgoing President and the outgoing

Vice-President of the Republic so as to enable the newly-elected President and Vice-President of the Republic to be invested on the date such period expires.

Article 44

1. The office of the President or the Vice-President of the Republic shall become vacant -
upon his death;

upon his written resignation addressed to the House of Representative through, and received by, its President or Vice-President respectively!

upon his conviction of high treason or any other offence involving dishonesty or moral turpitude;

upon such permanent physical or mental incapacity or such absence, other than temporary, as would prevent him to perform effectively his duties.

In the event of a vacancy in the office of the President or the Vice President of the Republic, the President or the Vice-President of the House of Representatives respectively shall act, during such vacancy, as President or Vice-President of the Republic, respectively.

The Supreme Constitutional Court shall decide on any question arising out of subparagraph (d) of paragraph 1 of this Article on a motion by the Attorney-General and the Deputy Attorney-General of the Republic upon a resolution of the Representatives belonging to the same Community as the President or the Vice-President of the Republic respectively, carried by a simple majority:

Provided that no such resolution shall be taken and no item shall be entered on the agenda or debated in the House of Representatives in connection therewith unless the proposal for such resolution is signed by at least one fifth of the total number of such Representatives.

4. In the event of a vacancy in the office of either the President or the Vice-President of the Republic, the vacancy shall be filled by a by-election which shall take place within a period not exceeding forty-five days of the occurrence of such vacancy.

Article 45

The President or the Vice-President of the Republic shall not be liable to any criminal prosecution during his term of office except under the provisions of this Article.

The President or the Vice-President of the Republic may be prosecuted for high treason on a charge preferred by the Attorney-General and the Deputy Attorney-General of the Republic before the High Court upon a resolution of the House of Representatives carried by a secret ballot and a majority of three-fourths of the total number of Representatives:

Provided that no such resolution shall be taken and no item shall be entered on the agenda or debated in the House of Representatives in connection therewith

unless the proposal for such resolution is signed by at least one-fifth of the total number of Representatives.

The President or the Vice-President of the Republic may be prosecuted for an offence involving dishonesty or moral turpitude upon a charge preferred by the Attorney-General and the Deputy Attorney-General of the Republic before the High Court with the leave of the President of the High Court.

(1) The President or the Vice-President of the Republic upon being prosecuted under paragraph 2 or 3 of this Article shall be suspended from the performance of any of the functions of his office and thereupon the provisions of paragraph 2 of Article 36 shall apply.

(2) The President or the Vice-President of the Republic on any such prosecution shall be tried by the High Court; on his conviction his office shall become vacant and on his acquittal he shall resume the performance of the functions of his office.

Subject to paragraphs 2 and 3 of this Article the President or the Vice-President of the Republic shall not be liable to prosecution for any offence committed by him in the execution of his functions but he may be prosecuted for any other offence committed during his term of office after he ceases to hold office.

No action shall be brought against the President or the Vice-President of the Republic in respect of any act or omission committed by him in the exercise of any of the functions of his office:

Provided that nothing in this paragraph contained shall be construed as in any way depriving any person of the right to sue the Republic as provided by law.

Article 46

The executive power is ensured by the President and the Vice-President of the Republic.

The President and the Vice-President of the Republic in order to ensure the executive power shall have a Council of Ministers composed of seven Greek Ministers and three Turkish Ministers. The Ministers shall be designated respectively by the President and the Vice-President of the Republic who shall appoint them by an instrument signed by them both. The Ministers may be chosen from outside the House of Representatives.

One of the following Ministries that is to say the Ministry of Foreign Affairs, the Ministry of Defence or the Ministry of Finance, shall be entrusted to a Turkish Minister. If the President and the Vice-President of the Republic agree they may replace this system by a system of rotation. The Council of Ministers shall exercise executive power as in Article 54 provided. The decisions of the Council of Ministers shall be taken by an absolute majority and shall, unless the right of final veto or return is exercised by the President or the Vice-President of the Republic or both in accordance with Article 57, be promulgated immediately by them by publication in the official Gazette of the Republic in accordance with the provisions of Article 57.

Article 47

The executive power exercised by the President and the Vice-President of the Republic conjointly consists of the following matters that is to say:

- determining the design and colour of the flag of the Republic as in Article 4 provided;
- creation or establishment of the honours of the Republic, appointment by an instrument signed by them both of the members of the Council of Ministers as in Article 46 provided;
- promulgation by publication in the official Gazette of the Republic of the decisions of the Council of Ministers as in Article 57 provided;
- promulgation by publication in the official Gazette of the Republic of any law or decision passed by the House of Representatives as in Article 52 provided;
- appointments in Articles 112, 115, 118, 124, 126, 131, 133, 153 and 184 provided;
- termination of appointments as in Article 118 provided and of appointments made under Article 131;
- institution of compulsory military service as in Article 129 provided;
- (h) reduction or increase of the security forces as in Article 130 provided;
- (i) exercise of the prerogative of mercy in capital cases where the injured party and the convicted person are members of different Communities as in Article 53 provided;
- remission, suspension and commutation of sentences as in Article 53 provided;
- (j) right of reference to the Supreme Constitutional Court as in Article 140 provided;
- (k) publication in the official Gazette of the Republic of decisions of the Supreme Constitutional Court as in Articles 137, 138, 139 and 143 provided;
- (l) replacement by a system of rotation of the system of appointment of a Turkish Minister to one of the three Ministries of Foreign Affairs or of Defence or of Finance as in Article 46 provided;
- (m) exercise of any of the powers specified in paragraphs (d), (e), (f) and (g) of Articles 48 and 49 and in Articles 50 and 51 which the President or the Vice-President of the Republic respectively can exercise separately;
- (n) address of messages to the House of Representatives as in Article 79 provided.

Article 48

The executive power exercised by the President of the Republic consists of the following matters, that is to say:-(a) designation and termination of appointment of Greek Ministers; convening the meetings of the Council of Ministers as in Article ' provided, presiding at such meetings and taking part in the discussions thereat without any right to vote;

preparing the agenda of such meetings as in Article 56 provided;
 right of final veto on decisions of the Council of Ministers concerning foreign affairs, defence or security as in Article 57 provided;
 right of return of decisions of the Council of Ministers as in Article 57 provided;
 right of final veto on laws or decisions of the House of Representatives concerning foreign affairs, defence or security as in Article 50 provide
 right of return of laws or decisions of the House of Representatives of the Budget as in Article 51 provided;
 (h) right of recourse to the Supreme Constitutional Court as in Article 137, 138 and 143 provided;
 (i) right of reference to the Supreme Constitutional Court as in Article 141 provided;
 (j) publication of the communal laws and decisions of the Greek Communal Chamber as in Article 104 provided;
 (k) right of reference to the Supreme Constitutional Court of any law decision of the Greek Communal Chamber as in Article 142 provide
 (l) right of recourse to the Supreme Constitutional Court in connection with any matter relating to any conflict or contest of power or competence arising between the House of Representatives and the Communal Chambers or any of them and between any organs of, or authorities in, the Republic as in Article 139 provided; (m) the prerogative of mercy in capital cases as in Article 53 provided; (n) the exercise of any of the powers specified in Article 47 conjointly with the Vice-President of the Republic;
 (o) addressing messages to the House of Representatives as in Article 79 provided.

Article 49

The executive power exercised by the Vice-President of the Republic consists of the following matters, that is to say:-(a) designation and termination of appointment of Turkish Ministers;

asking the President of the Republic for the convening of the Council of Ministers as in Article 55 provided and being present and taking part in the discussions at all meetings of the Council of Ministers without any right to vote;

proposing to the President of the Republic subjects for inclusion in the agenda as in Article 56 provided;

right of final veto on decisions of the Council of Ministers concerning foreign affairs, defence or security as in Article 57 provided;

right of return of decisions of the Council of Ministers as in Article 57 provided;

right of final veto on laws or decisions of the House of Representatives concerning foreign affairs, defence or security as in, Article 50 provided;

right of return of laws or decisions of the House of Representatives or of the Budget as in Article 51 provided;

(h) right of recourse to the Supreme Constitutional Court as in Articles 137, 138 and 143 provided;

(i) right of reference to the Supreme Constitutional Court as in Article 141 provided;

(j) publication of the communal laws and decisions of the Turkish Communal Chamber as in Article 104 provided;

(k) right of reference to the Supreme Constitutional Court of any law or decision of the Turkish Communal Chamber as in Article 142 provided;

(l) right of recourse to the Supreme Constitutional Court in connection with any matter relating to any conflict or contest of power or competence arising between the House of Representatives and the Communal Chambers or any of them and between any organs of, or authorities in, the Republic as in Article 139 provided;

(m) the prerogative of mercy in capital cases as in Article 53 provided;

(n) the exercise of any of the powers specified in Article 47 conjointly with the President of the Republic;

(o) addressing messages to the House of Representatives as in Article 79 provided.

Article 50

1. The President and the Vice-President of the Republic, separately or conjointly, shall have the right of final veto on any law or decision of the House of Representatives or any part thereof concerning -

(a) foreign affairs, except the participation of the Republic in international organisations and pacts of alliance in which the Kingdom of Greece and the Republic of Turkey both participate. For the purposes of this sub-paragraph "foreign affairs" includes –

(i) the recognition of States, the establishment of diplomatic and consular relations with other countries and the interruption of such relations. The grant of acceptance to diplomatic representatives and of exequatur to consular representatives. The assignment of diplomatic representatives and of consular representatives, already in the diplomatic service, to posts abroad and the entrusting of functions abroad to special envoys already in the diplomatic service. The appointment and the assignment of persons, who are not already in the diplomatic service, to any posts abroad as diplomatic or consular representatives and the entrusting of functions abroad to persons, who are not already in the diplomatic service, as special envoys;

(ii) the conclusion of international treaties, conventions and agreements; (iii) the declaration of war and the conclusion of peace; (iv) the protection abroad of the citizens of the Republic and of their interests; (v) the establishment, the status and the interests of aliens in the Republic; (vi) the acquisition of foreign nationality by citizens of the Republic and their acceptance of employment by, or their entering the service of, a foreign Government;

(b) the following questions of defence:-

(i) composition and size of the armed forces and credits for them;

(ii) (nominations des cadres -kadrolara tayinler) and their promotions ;

(iii) importation of war materials and also explosives of all kinds;

(iv) cession of bases and other facilities to allied countries;

(c) the following questions of security:

(i) (nominations des cadres - kadrolara tayinler) and their promotions

(ii) distribution and stationing of forces;

(iii) emergency measures and martial law;

(iv) police laws.

It is specified that the right of veto under sub-paragraph (c) above shall cover all emergency measures or decisions, but not those which concern the normal functioning of the police and the gendarmerie.

The above right of veto may be exercised either against the whole of a law or decision or against any part thereof, and in the latter case such law or decision shall be returned to the House of Representatives for a decision whether the remaining part thereof will be submitted, under the relevant provisions of this Constitution, for promulgation.

The right of veto under this Article shall be exercised within the period for the promulgation of laws or decisions of the House of Representatives as in Article 52 provided.

Article 51

The President and the Vice-President of the Republic shall have the right, either separately or conjointly, to return any law or decision or any part thereof of the House of Representatives to the House for reconsideration.

On the adoption of the Budget by the House of Representatives the President and the Vice-President of the Republic, either separately or conjointly, may exercise his or their right to return it to the House of Representatives on the ground that in his or their judgment there is a discrimination.

In case a law or decision or any part thereof is returned to the House of Representatives as in paragraph 1 of this Article provided, the House of Representatives shall pronounce on

the matter so returned within fifteen days of such return and in the case of return of the Budget as in paragraph 2 of this Article provided the House of Representatives shall pronounce on the matter so returned within thirty days of such return.

If the House of Representatives persists in its decision the President and the Vice-President of the Republic shall, subject to the provisions of this Constitution, promulgate the law or decision or the Budget, as the case may be, within the time limit fixed for the promulgation of laws and decisions of the House of Representatives by publication of such law or decision or Budget in the official Gazette of the Republic.

Whenever the President or the Vice-President of the Republic exercises his right to return as provided in this Article he shall immediately notify the other of such return.

The right of return under this Article shall be exercised within the period for the promulgation of laws or decisions of the House of Representatives as in Article 52 provided.

Article 52

The President and the Vice-President of the Republic shall, within fifteen days of the transmission to their respective offices of any law or decision of the House of Representatives, promulgate by publication in the official Gazette of the Republic such law or decision unless in the meantime they exercise, separately or conjointly, as the case may be, their right of veto as in Article 50 provided or their right of return as in Article 51 provided or their right of reference to the Supreme Constitutional Court as in Articles 140 and 141 provided or in the case of the Budget their right of recourse to the Supreme Constitutional Court as in Article 138 provided.

Article 53

The President or the Vice-President of the Republic shall have the right to exercise the prerogative of mercy with regard to persons belonging to their respective Community who are condemned to death.

Where the person injured and the offenders are members of different Communities such prerogative of mercy shall be exercised by agreement between the President and the Vice-President of the Republic; in the event of disagreement between the two the vote for clemency shall prevail.

In case the prerogative of mercy is exercised under paragraph I or 2 of this Article the death sentence shall be commuted to life imprisonment.

The President and the Vice-President of the Republic shall, on the unanimous recommendation of the Attorney-General and the Deputy Attorney-General of the Republic, remit, suspend, or commute any sentence passed by a court in the Republic in all other cases.

Article 54

Subject to the executive power expressly reserved, under Articles 47, 48 and 49, to the President and the Vice-President of the Republic, acting either separately or conjointly, the Council of Ministers shall exercise executive power in all other matters other than those which, under the express provisions of this Constitution, are within the competence of a Communal Chamber, including the following:-(a) the general direction and control of the government of the Republic and the direction of general policy;

foreign affairs as in Article 50 set out;

defence and security, including questions thereof as in Article 50 set out;

the co-ordination and supervision of all public services;

the supervision and disposition of property belonging to the Republic in accordance with the provisions of this Constitution and the law;

consideration of Bills to be introduced to the House of Representatives by a Minister;

making of any order or regulation for the carrying into effect of any law as provided by such law;

(h) consideration of the Budget of the Republic to be introduced to the House of Representatives.

Article 55

The President of the Republic convenes the meetings of the Council of Ministers. Such convening is made by the President of the Republic on his own motion or on being asked by the Vice-President of the Republic in due time for a specific subject.

Article 56

The agenda of any meeting of the Council of Ministers is prepared by the President of the Republic at his discretion and is communicated to all concerned prior to such meeting. The Vice-President of the Republic may propose to the President any subject for inclusion in the agenda of any meeting. The President of the Republic shall include such subject in the agenda if it can conveniently be dealt with at such meeting, otherwise such subject shall be included in the agenda of the meeting next following.

Article 57

On a decision being taken by the Council of Ministers such decision shall be transmitted forthwith to the office of the President and of the Vice-President of the Republic respectively.

The President or the Vice-President of the Republic or both shall have the right of return, within four days of the date when the decision has been transmitted to their respective offices, of such decision to the Council of Ministers for reconsideration, whereupon the Council of Ministers shall reconsider the matter and if they persist in such decision the President and the Vice-President of the Republic shall, subject to paragraph 4 of this Article, promulgate by publication such decision:

Provided that the exercise of the right of return shall not, in cases where the right of veto exists, prevent either the President or the Vice-President of the Republic or both from exercising the right of veto, within four days of the transmission to their respective offices, of the decision persisted upon.

3. If a decision relates to foreign affairs, defence or security as in Article 50 set out, the President or the Vice-President of the Republic or both shall have a right of veto which they shall exercise within four days of the date when the decision has been transmitted to their respective offices.

4. If the decision is enforceable and no right of veto or return has been exercised as in paragraph 2 or 3 of this Article provided, such decision shall be forthwith promulgated by the President and the Vice-President of the Republic 'by publication in the official Gazette of the Republic unless the Council of Ministers otherwise states in that decision.

Article 58

A Minister is the Head of his Ministry.

Subject to the executive power expressly reserved, under this Constitution, to the President and the Vice-President of the Republic, acting either separately or conjointly, and to the Council of Ministers, the executive power exercised by each Minister includes the following matters:-(a) the execution of laws relating to, and the administration of all matters and affairs usually falling within, the domain of his Ministry;

preparation of orders or regulations concerning his Ministry for submission to the Council of Ministers;

the issuing of directions and general instructions for the carrying out of the provisions of any law relating to his Ministry and of any order or regulation under such law;

the preparation for submission to the Council of Ministers of the part of the Budget of the Republic relating to his Ministry.

Article 59

No person shall be appointed as a Minister unless he is a citizen of the Republic and has the qualifications required for a candidate for election as a member of the House of Representatives.

The office of a Minister shall be incompatible with that of a Representative or of a member of a Communal Chamber or of a member of any municipal council including a Mayor or of a member of the armed or security forces of the Republic or with a public or

municipal office or in the case of a Turkish Minister with that of a religious functionary (din adami).

For the purposes of this paragraph "public office" has the same meaning as in Article 41.

The Ministers shall hold office in the case of the Greek Ministers until their appointment is terminated by the President of the Republic and in the case of the Turkish Ministers until their appointment is terminated by the Vice-President of the Republic.

Any person appointed as a Minister shall, before entering upon his office, make before the President and the Vice-President of the Republic the following affirmation:-"I do solemnly affirm faith to, and respect for, the Constitution and the laws made there under, the preservation of the independence and the territorial integrity, of the Republic of Cyprus."

Article 60

There shall be a Joint Secretariat of the Council of Ministers headed by two Secretaries, one belonging to the Greek Community and the other belonging to the Turkish Community, who shall be public officers.

The two Secretaries of the Joint Secretariat of the Council of Ministers shall have charge of the Council of Ministers' Office and shall, in accordance with any instructions as may be given to them by the Council of Ministers, attend its meetings and keep the minutes thereof and convey the decision of the Council of Ministers to the appropriate organ or authority or person.

Appendix D: Part 4 - The House of Representatives

Article 61

The legislative power of the Republic shall be exercised by the House of Representatives in all matters except those expressly reserved to the Communal Chambers under this Constitution.

Article 62

1. The number of Representatives shall be fifty:

Provided that such number may be altered by a resolution of the House of Representatives carried by a majority comprising two-thirds of the Representatives elected by the Greek Community and two-thirds of the Representatives elected by the Turkish Community.

2. Out of the number of Representatives provided in paragraph 1 of this Article seventy per centum shall be elected by the Greek Community and thirty per centum by the Turkish Community separately from amongst their members respectively, and in the case of a contested election, by universal suffrage and by direct and secret ballot held on the same day.

The proportion of Representatives stated in this paragraph shall be independent of any statistical data.

Article 63

1. Subject to paragraph 2 of this Article every citizen of the Republic who has attained the age of twenty-one years and has such residential qualifications as may be prescribed by the Electoral Law shall have the right to be registered as an elector in either the Greek or the Turkish electoral list:

Provided that the members of the Greek Community shall only be registered in the Greek electoral list and the members of the Turkish Community shall only be registered in the Turkish electoral list.

2. No person shall be qualified to be registered as an elector who is disqualified for such registration by virtue of the Electoral Law.

Article 64

A person shall be qualified to be a candidate for election as a Representative if at the time of the election that person-is a citizen of the Republic; has attained the age of twenty-five years; has not been, on or after the date of the coming into operation of this Constitution, convicted of an offence involving dishonesty or moral turpitude or is not under any

disqualification imposed by a competent court for any electoral offence; is not suffering from a mental disease incapacitating such person from acting as a Representative.

Article 65

1. The term of office of the House of Representatives shall be for a period of five years.

The term of office of the first House of Representatives shall commence on the date of the coming into operation of this Constitution.

2. The outgoing House shall continue in office until the newly-elected House assumes office under paragraph I of this Article.

Article 66

A general election for the House of Representatives shall be held on the second Sunday of the month immediately preceding the month in which the term of office of the outgoing House expires.

When a vacancy occurs in the seat of a Representative such vacancy shall be filled by a by-election to be held within a period not exceeding forty-five days of the occurrence of such vacancy on a date to be fixed by the House of Representatives.

If an election under paragraph 1 or 2 of this Article cannot take place on the date fixed by or under this Constitution owing to extraordinary and unforeseen circumstances such as earthquake, floods, general epidemic and the like, then such election shall take place on the corresponding day of the week next following.

Article 67

The House of Representatives may dissolve itself only by its own decision carried by an absolute majority including at least one third of the Representatives elected by the Turkish Community.

Any such decision shall, notwithstanding anything contained in paragraph 1 of Article 65 and paragraph I of Article 66, provide for the date of the holding of the general election, which shall not be less than thirty days and not more than forty days from the date of such decision, and also for the date of the first meeting of the newly elected House which shall not be later than fifteen days after such general election and until such date the outgoing House shall continue to be in office.

3. Notwithstanding anything in paragraph I of Article 65 contained, the term of office of the House of Representatives to be elected after dissolution shall be for the unexpired period of the term of office of the dissolved House. In case of dissolution within the last year of the five years' term of office, a general election for the House of Representatives shall take place both for the unexpired part of the term of office of the dissolved House, during which any session of the newly elected House shall be considered to be an extraordinary session, and for the subsequent five years' term of office.

Article 68

Whenever a House of Representatives continues to be in office until the assumption of office by a newly elected House under either paragraph 2 of Article 65 or paragraph 2 of Article 67, such House shall not have power to make any laws or to take any decisions on any matter except only in case of urgent and exceptional unforeseen circumstances to be specifically stated in the relevant law or decision.

Article 69

A Representative before assuming duties as such in the House of Representatives and at a public meeting thereof shall make the following affirmation: "I do solemnly affirm faith to, and respect for, the Constitution and the laws made there under, the preservation of the independence and the territorial integrity, of the Republic of Cyprus"

Article 70

The office of a Representative shall be incompatible with that of a Minister or of a member of a Communal Chamber or of a member of any municipal council including a Mayor or of a member of the armed or security forces of the Republic or with a public or

municipal office or, in the case of a Representative elected by the Turkish Community, of a religious functionary (din adami).

For the purposes of this Article "public office" means any office of profit in the service of the Republic or of a Communal Chamber the emoluments of which are under the control either of the Republic or of a Communal Chamber, and includes any office in any public corporation or public utility body.

Article 71

The seat of a Representative shall become vacant-

(a) upon his death;

(b) upon his written resignation; upon the occurrence of any of the circumstances referred to in paragraph

Or of Article 64 or if he ceases to be a citizen of the Republic;

(d) upon his becoming the holder of an office mentioned in Article 70. Article 72

The President of the House of Representatives shall be a Greek, and shall be elected by the Representatives elected by the Greek Community, and the Vice-President shall be a Turk and shall be elected by the Representatives elected by the Turkish Community. Each shall be elected separately as above at the same meeting at the beginning and for the whole period of the term of office of the House of Representatives.

In case of any vacancy in either of the offices provided in paragraph 1 of this Article, an election as provided in such paragraph shall take place with all due speed and at an extraordinary session if necessary in order to fill such vacancy.

In case of temporary absence or pending the filling of a vacancy as provided in paragraph 2 of this Article in either of the offices of the President or the Vice-President of the House, their functions shall be performed by the eldest Representative of the respective Community unless the Representatives of such Community should otherwise decide.

In addition to the President and the Vice-President of the House there shall be appointed from amongst the Representatives and by the President and the Vice-President of the House respectively two Greek and one Turkish Clerks of the House and two Greek and one Turkish Administrative Clerks of the House who shall be attached respectively to the office of the President and the Vice-President of the House.

Article 73

Subject to the ensuing provisions of this Article, the House of Representatives by its Standing Orders regulates any matter of parliamentary procedure and of functions of its offices.

There shall be a Committee to be known as the Committee of Selection consisting of the President of the House as Chairman, the Vice-President of the House as Vice-Chairman and eight other members elected by the House of Representatives at its meeting after the election of the President and the Vice-President of the House, six from amongst the Representatives elected by the Greek Community and two from amongst the Representatives elected by the Turkish Community.

The Committee of Selection shall set up the Standing Committees and any other temporary, ad hoc or special Committee of the House of Representatives and shall appoint Representatives to be members thereof and in so doing due regard should be had to the proposals made by the Greek and the Turkish Communal groups or political party groups in the House for such setting up and appointments. The appointments to such Committees shall be subject to the provisions of the paragraph next following.

4. The Greek and the Turkish Communal groups and political party groups in the House of Representatives shall be adequately represented on each of the Standing, and of any other temporary, ad hoc or special, Committee of the House:

Provided that the total number of the seats on such Committees distributed respectively to the Representatives elected by the Greek and the Turkish Communities shall be in the same proportion as that in which the seats in the House are distributed to the Representatives elected by the Greek and the Turkish Communities respectively.

5. Every Bill on being introduced in the House of Representatives shall be referred for debate in the first instance before the appropriate Committee.

With the exception of those which are considered to be of an urgent nature, no Bill shall be debated by a Committee before the lapse of forty-eight hours after its being distributed to the Representatives constituting such a Committee.

With the exception of those which are considered to be of an urgent nature, no Bill which has passed the Committee stage shall be debated in the House of Representatives before the lapse of forty-eight hours after it has been distributed to the Representatives together with the report of the Committee.

6. The agenda of the meetings of the House of Representatives, which shall include any additional subject proposed by the Vice-President of the House, shall be drawn up and presented to the House of Representatives by the President of the House.

After the presentation of the agenda to the House of Representatives, any Representative may move any addition or amendment to such agenda, and such motion shall be decided upon by the House of Representatives.

7. No Representative can speak at any meeting of the House of Representatives unless he registers his name in the proper Register or unless he obtains the permission of the person presiding at such meeting.

Every Representative who has complied with such formality is entitled to be given reasonably sufficient time, having regard to the particular subject, to speak and to be heard at the relevant meeting.

The speeches shall be made in order of the registration or of oral request, as the case may be, of those who desire to speak:

Provided that where there are opposite views held, a speaker shall, as far as practicable, follow another one who supports the opposite view. But Representatives speaking on behalf of the Committees or of the political party groups of the House of Representatives shall not be subject to such order of precedence. Representatives desiring to speak in connection with motions with regard to any matter relating to the agenda, the application of the Standing Orders or the closure of the debate shall be given precedence in time over the Representatives desiring to speak in connection with the subject of the debate, and in such a case two Representatives, one in favor and one against the motion, shall be allowed fifteen minutes each for their respective speeches.

All speeches in the House of Representatives shall be made from the rostrum of the House and addressed to the House of Representatives. All speeches and other proceedings in the House and at all the Committee meetings shall, simultaneously as they are being made or taking place, be translated from the official language in which they are being made or taking place into the other official language.

Save as otherwise provided in the Standing Orders, interruptions of the speech of a Representative or personal attacks against any Representative unconnected with the subject under debate, both in the House and at the Committee meetings, are prohibited.

The votes in the House of Representatives shall be jointly counted and recorded by one Greek and the Turkish Clerk of the House.

The minutes of the debates in the House of Representatives shall comprise all proceedings fully. The minutes of the proceedings of the Committees shall be kept in a summary form. Upon objection to the minutes of a meeting of the House of Representatives through the oral submission of a Representative at the first following meeting or by a written objection sent to the President of the relevant meeting, the House of Representatives may decide to correct such minutes accordingly.

12. Any political party which is represented at least by twelve per centum of the total number of the Representatives in the House of Representatives can form and shall be entitled to be recognized as a political party group.

Article 74

The House of Representatives shall meet on the fifteenth day next following a general election and thereafter in each year on the corresponding day in such year without summons for its ordinary session.

The ordinary session of the House of Representatives shall last for a period of three to six months in each year, as the House of Representatives may determine.

The House of Representatives shall be summoned to an extraordinary session by the President or the Vice-President of the House on the request of ten Representatives addressed to both the President and the Vice-President of the House.

Article 75

The meetings of the House of Representatives shall be open to the public and the minutes of its debates shall be published.

The House of Representatives may, if it thinks necessary, hold secret sessions on a resolution carried by a three-quarters majority vote of the total number of Representatives.

Article 76

The President of the House shall declare the commencement and the end of every meeting.

The President of the House in declaring the end of a meeting shall at the same time announce the date and time fixed, with the consent of the House of Representatives, of the meeting next following and shall present to the House of Representatives the agenda of such meeting and thereupon the provisions of paragraph 6 of Article 73 shall apply.

Any agenda shall be printed and distributed to the Representatives at least twenty-four hours prior to the meeting. but if such agenda relates to the topic already under debate such distribution may be made at any time prior to the meeting.

Article 77

The quorum of the House of Representatives shall consist of at least one-third of the total number of its members.

The debate relating to any particular topic shall be adjourned once for twenty-four hours at the request of the majority of the Representatives of either Community who are present at a meeting.

Article 78

The laws and the decisions of the House of Representatives shall be passed by a simple majority vote of the Representatives present and voting.

Any modification of the Electoral Law and the adoption of any law relating to the municipalities and of any law imposing duties or taxes shall require a separate simple majority of the Representatives elected by the Greek and the Turkish Communities respectively taking part in the vote.

Article 79

1. The President or the Vice-President of the Republic may address the House of Representatives by message, or transmit to the House of Representatives their views through the Ministers.

2. The Ministers may follow the proceedings of the House of Representatives or any Committee thereof, and make a statement to, or inform, the House of Representatives or any Committee thereof, on any subject within their competence.

Article 80

The right to introduce Bills belongs to the Representatives and to the Ministers.

No Bill relating to an increase in budgetary expenditure can be introduced by any Representative.

Article 81

The Budget is introduced to the House of Representatives at least three months before the day fixed by law for the commencement of the financial year and is voted by it not later than the day so fixed.

Within three months from the end of the financial year the final accounts shall be submitted to the House of Representatives for approval.

Article 82

A law or decision of the House of Representatives shall come into operation on its publication in the official Gazette of the Republic unless another date is provided by such law or decision.

Article 83

Representatives shall not be liable to civil or criminal proceedings in respect of any statement made or vote given by them in the House of Representatives.

A Representative cannot, without the leave of the High Court, be prosecuted, arrested or imprisoned so long as he continues to be a Representative. Such leave is not required in the case of an offence punishable with death or imprisonment for five years or more in case the offender is taken in the act. In such a case the High Court being notified forthwith by the competent authority decides whether it should grant or refuse leave for the continuation of the prosecution or detention so long as he continues to be a Representative.

If the High Court refuses to grant leave for the prosecution of a Representative, the period during which the Representative cannot thus be prosecuted shall not be reckoned for the purposes of any period of prescription for the offence in question.

If the High Court refuses to grant leave for the enforcement of a sentence of imprisonment imposed on a Representative by a competent court, the enforcement of such sentence shall be postponed until he ceases to be a Representative.

Article 84

Representatives receive from the Public Revenue remuneration defined by law.

Any increase of such remuneration shall not become operative during the term of office of the House of Representatives in which such increase has been made.

Article 85

Any question with regard to the qualifications of candidates for election and election petitions shall be finally adjudicated by the Supreme Constitutional Court.

Appendix D: Part 5 - The Communal Chambers

Article 86

The Greek and the Turkish Communities respectively shall elect from amongst their own members a Communal Chamber which shall have the competence expressly reserved for it under the provisions of this Constitution.

Article 87

1. The Communal Chambers shall, in relation to their respective Community, have competence to exercise within the limits of this Constitution and subject to paragraph 3 of this Article, legislative power solely with regard to the following matters:-

all religious matters;

all educational, cultural and teaching matters;

personal status;

the composition and instances of courts dealing with civil disputes relating to personal status and to religious matters;

in matters where the interests and institutions are of purely communal nature such as charitable and sporting foundations, bodies and associations created for the purpose of promoting the well-being of their respective Community;

imposition of personal taxes and fees on members of their respective Community in order to provide for their respective needs and for the needs of bodies and institutions under their control as in Article 88 provided;

in matters where subsidiary legislation in the form of regulations or bye-laws within the framework of the laws relating to municipalities will be necessary to enable a Communal Chamber to promote the aims pursued by municipalities composed solely of members of its respective Community;

in matters relating to the exercise of the authority of control of producers' and consumers' co-operatives and credit establishments and of supervision in their functions of

municipalities consisting solely of their respective Community, vested in them by this Constitution:

Provided that-(i) any communal law, regulation, bye-law or decision made or taken by a Communal Chamber under this sub-paragraph (h) shall directly or indirectly be contrary to or inconsistent with any by which producers' and consumers' cooperatives and credit establishments are governed or to which the municipalities subject,

(ii) nothing in paragraph (i) of this proviso contained shall be construed as enabling the House of Representatives to legislate on any matter relating to the exercise of the authority vested in Communal Chamber under this sub-paragraph (h):

(i) in such other matters as are expressly provided by this Constitution.

Nothing in sub-paragraph (f) of paragraph 1 of this Article contained shall be construed as in any way curtailing the power of the House of Representatives to impose, in accordance with the provisions of this Constitution, any personal taxes.

Any law or decision of a Communal Chamber made or taken in exercise of the power vested in it under paragraph 1 of this Article shall not in any way contain anything contrary to the interests of the security of the Republic or the constitutional order or the public safety or the public order or the public health or the public morals or which is against the fundamental rights and liberties guaranteed by this Constitution to any person.

Article 88

The power of imposing taxes under sub-paragraph (f) of paragraph 1 of Article 87 of a Communal Chamber shall be exercised for the purposes of meeting the part of its expenditure provided in its budget in each financial year which is not met by the payment made to such Communal Chamber in respect of such financial year by the Republic out of its Budget as provided in paragraph 2 of this Article or by any other revenue which such Chamber may have in that financial year.

The House of Representatives shall, in respect of each financial year, provide in the Budget and make available for payment to both Communal Chambers in respect of their respective financial year for the purposes of their respective needs relating to matters within their respective competence an amount not less than two million pounds to be allocated to the Greek and the Turkish Communal Chambers as follows:-(a) to the Greek Communal Chamber an amount not less than the sum of one million and six hundred thousand pounds; and (b) to the Turkish Communal Chamber an amount not less than the sum of four hundred thousand pounds:

Provided that in the case of the increase of the minimum total amount payable to both Communal Chambers the allocation to each of the Communal Chambers of such increased amount shall be made in such manner as the House of Representatives may decide.

If a Communal Chamber so requests the taxes imposed by it shall be collected on its behalf and paid to such a Communal Chamber by the authorities of the Republic.

For the purposes of this Article and of sub-paragraph (f) of paragraph 1 of Article 87 "member" includes corporate and unincorporate bodies to the extent of the interest held in such bodies by such members.

Article 89

1.The Communal Chambers shall, in relation to their respective Community, also have competence-

(a) (i) to direct policy within their communal laws;

(ii) to exercise administrative powers in the manner and through such persons as may be provided by a communal law, with respect to any matter on which they are competent to exercise legislative power under the provisions of Article 87 other than those provided in sub-paragraphs (g) and (h) of paragraph 1 of such Article for which specific provision is made in the ensuing sub-paragraphs;

to exercise control on producers' and consumers' co-operatives a credit establishments created for the purpose of promoting 1 well-being of their respective Community and which will be governed by the laws;

to promote the aims pursued by municipalities composed solely of members of their respective Community and to supervise - in their functions such municipalities to which the laws shall apply.

Nothing in sub-paragraph (e) of paragraph 1 of Article 87 and in sub-paragraph (b) of paragraph 1 of this Article contained shall be construed as precluding the creation of mixed and common institutions of the nature therein provided if the inhabitants so desire.

In the case where the central administration shall, on its part, proceed to control the institutions, establishments or municipalities mentioned in sub-paragraphs (b) and (c) of paragraph 1 of this Article by virtue of legislation in force, such control shall be carried out through public officers belonging to the same Community as that to which the institution, establishment or municipality in question belongs.

Article 90

Subject to the ensuing provisions of this Article each Communal Chamber shall have power by or in its own communal laws to provide for the application of its laws and decisions.

A Communal Chamber shall have no power to provide in any of its laws or decisions for imprisonment or detention for any violation thereof or failure to comply with any directions given by a Communal Chamber in exercise of any power vested in it under this Constitution.

The Communal Chambers shall have no competence to use measures of constraint to secure compliance with their respective communal laws or decisions and of the judgements of the Courts dealing with civil disputes relating to personal status and to religious matters within their respective competence.

Where it becomes necessary to use measures of constraint in compelling compliance with any law or decision of a Communal Chamber or with any matter connected with the exercise of the authority of control or supervision by a Communal Chamber such measures of constraint shall, on the application by or on behalf of the Communal Chamber, be applied by the public authorities of the Republic which shall have exclusive competence to apply such measures of constraint.

The execution of any judgement or order of a court in connection with any matter within the exclusive competence of a Communal Chamber shall be carried out through the public authorities of the Republic.

Article 91

Each Communal Chamber shall once yearly prepare and adopt a budget of its revenue and expenditure for the ensuing financial year.

Such budget shall be voted by the Communal Chamber not later than the day fixed by a communal law for the commencement of the communal financial year.

Article 92

The number of the members of each Communal Chamber shall be determined by a communal law carried by a two-thirds majority of the total number of the members of the Communal Chamber concerned.

Article 93

The elections for both the Communal Chambers shall be by universal suffrage and by direct and secret ballot.

Article 94

1. Subject to paragraph 2 of this Article every citizen of the Republic who has attained the age of twenty-one years and has such residential qualifications as may be prescribed by the respective communal electoral law shall have the right to be registered as an elector in the respective communal electoral list:

Provided that the members of the Greek Community shall only be registered in the Greek communal electoral list and the members of the Turkish Community shall only be registered in the Turkish communal electoral list.

2. No person shall be qualified to be registered as an elector who is disqualified for such registration by virtue of the respective communal electoral law.

Article 95

A person shall be qualified to be a candidate for election as a member of a Communal Chamber if at the time of the election that person-(a) is a citizen of the Republic and is registered in the respective communal electoral list;

has attained the age of twenty-five years,

has not been, on or after the date of the coming into operation of this Constitution, convicted of an offence involving dishonesty or moral turpitude or is not under any disqualification imposed by a competent court for an electoral offence,

is not suffering from a mental disease incapacitating such person from acting as a member of a Communal Chamber.

Article 96

The term of office of the Communal Chambers shall be for a period of five years commencing on such date as a communal law respectively shall appoint.

The outgoing Communal Chambers shall continue in office until the newly elected Communal Chambers assume office under paragraph 1 of this Article.

Article 97

A communal general election for a Communal Chamber shall be held at least thirty days before the expiration of the term of office of the outgoing Chamber.

When a vacancy occurs in the seat of a member of a Communal Chamber such vacancy shall be filled by a by-election to be held within a period not exceeding forty-five days of the occurrence of such vacancy.

If an election under paragraph 1 or 2 of this Article cannot take place on the date fixed by or under this Constitution owing to extraordinary and unforeseen circumstances such as earthquake, floods, general epidemic and the like, then such election shall take place on the corresponding day of the week next following.

Article 98

Either Communal Chamber may dissolve itself only by its own decision carried by an absolute majority.

Any such decision shall, notwithstanding anything contained in paragraph 1 of Article 96 and paragraph 1 of Article 97, provide for the date of the holding of the communal general election with respect to the Communal Chamber in question which shall not be less than thirty days and not more than forty days from the date of such decision and also for the date of the first meeting of the newly-elected Communal Chamber which shall not be later than fifteen days after such communal general election and until such date the outgoing Communal Chamber shall continue to be in office.

Notwithstanding anything contained in paragraph 1 of Article 96, the term of office of the Communal Chamber to be elected after dissolution shall be for the unexpired period of the term of office of the dissolved Communal Chamber. In case of dissolution within the last year of the five years' term of office of the Communal Chamber concerned a communal general election for such Chamber shall take place for the unexpired part of the term of office of the dissolved Communal Chamber and for the subsequent five years' period of office of such Communal Chamber.

Article 99

Whenever a Communal Chamber continues to be in office until the assumption of office by a newly-elected Communal Chamber, either under paragraph 2 of Article 96 or paragraph 2 of Article 98, it shall not have power to make any laws or take any decisions on any matter except only in case of urgent and exceptional unforeseen circumstances to be specifically stated in the relevant law or decision.

Article 100

A member of a Communal Chamber before assuming duties as such in the Communal Chamber and at a public meeting thereof shall make the following affirmation:" I do

solemnly affirm faith to, and respect for, the Constitution and the laws made there under, the preservation of the independence and the territorial integrity, of the Republic of Cyprus."

Article 101

1. The office of a member of a Communal Chamber shall be incompatible with that of a Minister or of a Representative or of a member of any municipal council including a Mayor or of a member of the armed or security forces of the Republic or with a public or municipal office and, in the case of that of a member of the Turkish Communal Chamber, with that of a religions functionary (din adami).

2. For the purposes of this Article "public office" means any office of profit in the public service of the Republic or of a Communal Chamber the emoluments of which are under the control either of the Republic or of a Communal Chamber and includes any office in any public corporation or public utility body.

Article 102

The Communal Chambers shall, by Standing Orders, make rules relating to all matters of procedure including the holding of ordinary and extraordinary meetings, the dates and duration of such meetings, the manner of voting and the transaction of business.

Article 103

The meetings of the Communal Chambers shall be open to the public and the minutes of its debates shall be published.

Any Communal Chamber may, if it thinks necessary, hold secret sessions on a resolution carried by a two-thirds majority vote of the total number of its members.

Article 104

The laws or decisions passed by the Greek or the Turkish Communal Chamber shall be published in the official Gazette of the Republic immediately after being signed by the President or the Vice-President of the Republic respectively within fifteen days of the receipt by him of such laws or decisions.

A communal law shall come into operation on its publication in the official Gazette of the Republic unless another date is provided by such law.

Article 105

The President of the Republic with regard to the Greek Communal Chamber and the Vice-President of the Republic with regard to the Turkish Communal Chamber may, within fifteen days of the receipt by him of any law or decision passed by the respective Communal Chamber, return such law or decision to such Chamber for reconsideration.

If the Communal Chamber concerned maintains that the law or decision so returned to it shall stand, the President or the Vice-President of the Republic, as the case may be, shall sign and publish such law or decision in accordance with the provisions of the immediately preceding Article.

Article 106

1. A member of a Communal Chamber shall not be liable to civil or criminal proceedings in respect of any statement made or vote given by him in the Chamber.

A member of a Communal Chamber cannot without the leave of the High Court, be prosecuted, arrested or imprisoned, so long as he continues to be a member. Such leave is not required in the case of an offence punishable with death or imprisonment for five years or more in case the offender is taken in the act. In such a case the High Court, being notified forthwith by the competent authority, decides whether it should grant or refuse leave for the continuation of the prosecution or detention, as the case may be, so long as he continues to be a member.

If the High Court refuses to grant leave for the prosecution of a member of a Communal Chamber, the period during which such member cannot thus be prosecuted shall not be reckoned for the purposes of any period of prescription for the offence in question.

If the High Court refuses to grant leave for the enforcement of a sentence of imprisonment imposed on a member of a Communal Chamber by a competent court, the enforcement of such sentence shall be postponed until he ceases to be such member.

Article 107

The seat of a member of a Communal Chamber shall become vacant -upon his death; or upon his written resignation; or upon the occurrence of any of the circumstances referred to in paragraph (c) or of Article 95, or if he ceases to be a citizen of the Republic or if he ceases to be qualified to be registered as an elector in the respective Communal electoral list; or (d) upon his becoming the holder of an office mentioned in Article 101.

Article 108

The Greek and the Turkish Communities shall have the right to receive subsidies from the Greek or the Turkish Government respectively for institutions of education, culture, athletics and charity belonging to the Greek or the Turkish Community respectively.

Also where either the Greek or the Turkish Community considers that it has not the necessary number of schoolmasters, professors or clergymen (K?o|piKio-din adami) for the functioning of its institutions, such Community shall have the right to obtain and employ such personnel to the extent strictly necessary to meet its needs as the Greek or the Turkish Government respectively may provide.

Article 109

Each religious group which under the provisions of paragraph 3 of Article 2 has opted to belong to one of the Communities shall have the right to be represented, by elected member or members of such group, in the Communal Chamber of the Community to which such group has opted to belong as shall be provided by a relevant communal law.

Article 110

The Autocephalous Greek-Orthodox Church of Cyprus shall continue to have the exclusive right of regulating and administering its own internal affairs and property in accordance with the Holy Canons and its Charter in force for the time being and the Greek Communal Chamber shall not act inconsistently with such right.

The institution of Vakf and the Principles and Laws of, and relating to, Vakfs are recognised by this Constitution.

All matters relating to or in any way affecting the institution or foundation of Vakf or the vakfs or any vakf properties, including properties belonging to Mosques and any other Moslem religious institution, shall be governed solely by and under the Laws and Principles of Vakfs (ahkamul evkaf) and the laws and regulations enacted or made by the Turkish Communal Chamber, and no legislative, executive or other act whatsoever shall contravene or override or interfere with such Laws or Principles of Vakfs and with such laws and regulations of the Turkish Communal Chamber.

3. Any right with regard to religious matters possessed in accordance with the law of the Colony of Cyprus in force immediately before the date of the coming into operation of this Constitution by the Church of a religious group to which the provisions of paragraph 3 of Article 2 shall apply shall continue to be so possessed by such Church on and after the date of the coming into operation of this Constitution.

Article 111

Subject to the provisions of this Constitution any matter relating to betrothal, marriage, divorce, nullity of marriage, judicial separation or restitution of conjugal rights or to family relations other than legitimation by order of the court or adoption of members of the Greek-Orthodox Church or of a religious group to which the provisions of paragraph 3 of Article 2 shall apply shall, on and after the date of the coming into operation of this Constitution, be governed by the law of the Greek-Orthodox Church or of the Church of such religious group, as the case may be, and shall be cognizable by a tribunal of such Church and no Communal Chamber shall act inconsistently with the provisions of such law.

Nothing in paragraph 1 of this Article contained shall preclude the application of the provisions of paragraph 5 of Article 90 to the execution of any judgement or order of any such tribunal.

Appendix D: Part 6 - The Independent officers of the Republic

Appendix D, Part 6 consists of the following chapters:

Chapter 1: The Attorney-General of the Republic and the Deputy Attorney-General of the Republic

Chapter 2: The Auditor-General and the Deputy Auditor-General

Chapter 3: The Governor and the Deputy Governor of the Issuing Bank of the Republic

Appendix D: Part 6, Chapter 1 - The Attorney-General of the Republic and the Deputy Attorney-General of the Republic

Article 112

1. The President and the Vice-President of the Republic shall appoint jointly two persons who are qualified for appointment as a judge of the High Court one to be the Attorney-General of the Republic and the other to be the Deputy Attorney-General of the Republic:

Provided that the Attorney-General and the Deputy Attorney-General of the Republic shall not belong to the same Community.

The Attorney-General of the Republic shall be the Head and the Deputy Attorney-General of the Republic shall be the Deputy Head of the Law Office of the Republic which shall be an independent office and shall not be under any Ministry.

The Attorney-General and the Deputy Attorney-General of the Republic shall have the right of audience in, and shall take precedence over any other persons appearing before, any court:

Provided that the Attorney-General of the Republic shall always take precedence over the Deputy Attorney-General of the Republic.

The Attorney-General and the Deputy Attorney-General of the Republic shall be members of the permanent legal service of the Republic and shall hold office under the same terms and conditions as a judge of the High Court other than its President and shall not be removed from office except on the like grounds and in the like manner as such judge of the High Court.

In all matters affecting persons belonging to the Community of the Attorney-General of the Republic or of the Deputy Attorney-General of the Republic, as the case may be, the one belonging to such Community shall be consulted by the other before any decision is taken by the Attorney-General of the Republic:

Provided that for the prosecutions in the courts exercising criminal jurisdiction composed of judges of one Community, the Attorney-General of the Republic or the Deputy Attorney-General of the Republic, as the case may be, belonging to that Community, shall have the effective charge and responsibility.

Article 113

The Attorney-General of the Republic assisted by the Deputy Attorney General of the Republic shall be the legal adviser of the Republic and of the President and of the Vice-President of the Republic and of the Council of Ministers and of the Ministers and shall exercise all such other powers and shall perform all such other functions and duties as are conferred or imposed on him by this Constitution or by law.

The Attorney-General of the Republic shall have power, exercisable at his discretion in the public interest, to institute, conduct, take over and continue or discontinue any proceedings for an offence against any person in the Republic. Such power may be exercised by him in person or by officers subordinate to him acting under and in accordance with his instructions.

Article 114

The Deputy Attorney-General of the Republic shall have such powers and shall perform such duties as normally appertain to his office and also shall, subject to the directions of

the Attorney-General of the Republic, exercise all the powers and perform all the functions and the duties vested in the Attorney-General of the Republic under the provisions of this Constitution or by law.

The Deputy Attorney-General of the Republic shall act for the Attorney-General of the Republic in case of his absence or his temporary incapacity to perform his duties.

Appendix D: Part 6, Chapter 2 - The Auditor-General and the Deputy Auditor-General

Article 115

1. The President and the Vice-President of the Republic shall appoint jointly two fit and proper persons one to be the Auditor-General and the other to be the Deputy Auditor-General:

Provided that the Auditor-General and the Deputy Auditor-General shall not belong to the same Community.

2. The Auditor-General shall be the Head and the Deputy Auditor General shall be the Deputy Head of the Audit Office of the Republic which shall be an independent office and shall not be under any Ministry.

3. The Auditor-General and the Deputy Auditor-General shall be members of the permanent public service of the Republic and shall not be retired or removed from office except on the like grounds and in like manner as a judge of the High Court.

Article 116

The Auditor-General assisted by the Deputy Auditor-General shall, on behalf of the Republic, control all disbursements and receipts and audit and inspect all accounts of moneys and other assets administered, and of liabilities incurred, by or under the authority of the Republic and for this purpose he shall have the right of access to all books, records and returns relating to such accounts and to places where such assets are kept.

The Auditor-General assisted by the Deputy Auditor-General shall exercise all such other powers and shall perform all such other functions and duties as are conferred or imposed on him by law.

The powers, functions and duties of the Auditor-General provided in this Chapter may be exercised by him in person or by such subordinate officers acting under and in accordance with his instructions.

The Auditor-General shall submit annually a report on the exercise of his functions and duties under this Chapter to the President and the Vice-President of the Republic who shall cause it to be laid before the House of Representatives.

Article 117

The Deputy Auditor-General shall have such powers and shall perform such functions and duties as normally appertain to his office and also shall, subject to the directions of the Auditor-General, exercise all the powers and perform all the functions and duties vested in the Auditor-General under the provisions of this Constitution or by law.

The Deputy Auditor-General shall act for the Auditor-General in case of his absence or his temporary incapacity to perform his duties.

Appendix D: Part 6, Chapter 3 - The Governor and the Deputy Governor of the Issuing Bank of the Republic

Article 118

1. The President and the Vice-President of the Republic shall appoint jointly two fit and proper persons one to be the Governor and the other to be the Deputy-Governor of the Issuing Bank of the Republic:

Provided that the Governor and the Deputy-Governor of the Issuing Bank of the Republic shall not belong to the same Community.

The Governor of the Issuing Bank of the Republic shall be the Head and the Deputy-Governor of the Issuing Bank shall be the Deputy Head of the Issuing Bank of the Republic which shall not be under any Ministry.

The Governor and the Deputy-Governor of the Issuing Bank of the Republic shall be either members of the permanent public service or shall be persons appointed under such terms and conditions as laid down in the instruments of their appointment.

The President and the Vice-President of the Republic acting jointly may, at any time, terminate the appointment of either the Governor or the Deputy-Governor of the Issuing Bank of the Republic or both as such Governor or Deputy-Governor, as the case may be.

In the case of such termination the Governor or the Deputy-Governor of the Issuing Bank of the Republic or both, as the case may be, shall, subject to paragraph 6 of this Article, and to the provisions of this Constitution relating to the public service of the Republic, be given other suitable post in the permanent public service of the Republic if such Governor or Deputy Governor was, immediately before such termination, a member of such service.

Any disciplinary matter in connection with the exercise of the functions of the Governor and the Deputy-Governor of the Issuing Bank of the Republic shall be within the competence of the Council established under paragraph 8 of Article 153.

Article 119

The Governor of the Issuing Bank of the Republic assisted by the Deputy-Governor of the Issuing Bank of the Republic shall administer the currency laws of the Republic and shall be in charge of the management of the Issuing Bank of the Republic and shall exercise all other powers and perform all other functions and duties within the domain of the Issuing Bank of the Republic.

The Governor of the Issuing Bank of the Republic assisted by the Deputy-Governor of the Issuing Bank of the Republic shall exercise all such powers and shall perform all such other functions as are conferred or imposed on him by law.

The powers, functions and duties of the Governor of the Issuing Bank or the Republic provided in this Chapter may be exercised by him in person or by such subordinate officers acting under and in accordance with his instructions.

The Governor assisted by the Deputy-Governor of the Issuing Bank of the Republic shall, with regard to the financial policy relating to his office, carry out the decisions of the Council of Ministers in this respect and the provisions of any law and, with regard to the manner of the carrying out of such policy, he shall consult and be guided by the advice of the Minister of Finance.

The Governor of the Issuing Bank of the Republic shall submit half yearly reports on the state of currency, funds and securities of the Republic to the President and the Vice-President of the Republic who shall cause such reports to be laid before the House of Representatives.

Article 120

The Deputy-Governor of the Issuing Bank of the Republic shall have such powers and shall perform such functions and duties as normally appertain to his office and also shall, subject to the directions of the Governor of the Issuing Bank of the Republic, exercise all the powers and perform all the functions and duties vested in the Governor of the Issuing Bank of the Republic under the provisions of this Constitution or by law.

The Deputy-Governor of the Issuing Bank of the Republic shall act for the Governor of the Issuing Bank of the Republic in case of his absence or his temporary incapacity to perform his duties.

Article 121

Nothing in this Chapter contained shall be construed as precluding the Issuing Bank of the Republic from becoming a Central Bank:

Provided that in such a case, subject to the provisions of this Chapter, the Governor and the Deputy-Governor of the Issuing Bank of the Republic shall be respectively the Governor and the Deputy-Governor of the Central Bank of the Republic.

Appendix D: Part 7 - The Public Service

Appendix D, Part 7 consists of the following chapters:

- Chapter 1: General

Chapter 2: The Accountant-General and the Deputy Accountant-General

Appendix D: Part 7, Chapter 1 - General

Article 122

For the purposes of this Chapter, unless the context otherwise requires "public office" means an office in the public service;

"public officer" means the holder, whether substantive or temporary or acting, of a public office;

"public service" means any service under the Republic other than service in the army or the security forces of the Republic and includes service under the Cyprus Broadcasting Corporation, the Cyprus Inland Telecommunications Authority and the Electricity Authority of Cyprus and any other public corporate or unincorporate body created in the public interest by a law and either the funds of which are provided or guaranteed by the Republic or, if the enterprise is carried out exclusively by such body, its administration is carried out under the control of the Republic but does not include service in an office the appointment to or the filling of which is, under this Constitution, made jointly by the President and the Vice-President of the Republic or service by workmen except those who are regularly employed in connection with permanent works of the Republic or any such body as aforesaid.

Article 123

The public service shall be composed as to seventy per centum of Greeks and as to thirty per centum of Turks.

This quantitative distribution shall be applied, so far as this will be practically possible, in all grades of the hierarchy in the public service.

In regions or localities where one of the two Communities is in a majority approaching one hundred per centum the public officers posted for, or entrusted with, duty in such regions or localities shall belong to that Community.

Article 124

There shall be a Public Service Commission consisting of a Chairman and nine other members appointed jointly by the President and the Vice-President of the Republic.

Seven members of the Commission shall be Greeks and three members shall be Turks.

Each member of the Commission shall be appointed for a period of six years, but he may at any time resign his office by writing under his hand addressed to the President and the Vice-President of the Republic.

The remuneration and other conditions of service of a member of the Commission shall be provided by a law and shall not be altered to his disadvantage after his appointment.

A member of the Commission shall not be removed from office except on the like grounds and in the like manner as a judge of the High Court.

(1) No person shall be appointed as a member of the Commission unless he is a citizen of the Republic, of high moral character and has the qualifications for election as a member of the House of Representatives.

(2) No person shall be appointed as, or be, a member of the Commission who is, or within the preceding twelve months in the case of the Chairman or six months in the case of any other member, has been -a Minister; a member of the House of Representatives or of any Communal Chamber; a public officer or a member of any of the armed forces; an officer or employee of any local authority or of a body corporate or authority established by law for public purposes; a member of a trade union or of a body or association affiliated to a trade union.

7. Where, during any period, a member of the Commission has been granted leave of absence or is unable, owing to absence from the Republic, or to any other cause, to discharge his functions as a member, the President and the Vice-President of the Republic may jointly appoint at his place any person who would be qualified to be appointed to exercise such functions, during that period.

Article 125

Save where other express provision is made in this Constitution with respect to any matter set out in this paragraph and subject to the provisions of any law, it shall be the duty of the Public Service Commission to make the allocation of public offices between the two Communities and to appoint confirm, emplace on the permanent or pensionable establishment, promote transfer, retire and exercise disciplinary control over, including dismissal or removal from office of, public officers.

The Chairman shall convene the meetings of the Commission and shall preside thereat: Provided that -no meeting shall be held unless prior notice thereof has been given to all the members; on an equality of votes the Chairman shall not have a second or casting vote.

3. (1) Subject to the ensuing provisions of this paragraph any decision of the Commission shall be taken by an absolute majority vote of its members.

(2) If the question relates to an appointment or promotion to fill a vacant or newly created post, the decision whether such post shall be filled, under the provisions of this Constitution, by a Greek or a Turk, shall be taken by such absolute majority vote including at least the votes of two Turkish members of the Commission:

Provided that if such a decision cannot be taken on such majority, the question shall be referred by the Commission to the Supreme Constitutional Court for a decision; the decision of such Court shall be final and binding on the Commission.

(3) Where the question relates solely to a Turk any decision of the Commission shall be taken by such an absolute majority vote including the votes of at least two Turkish members. Where the question relates solely to a Greek, any decision of the Commission shall be taken by such an absolute majority vote including the votes of at least four Greek members.

(4) Where the question relates to the selection of the Greek or the Turk to be appointed or promoted, the decision shall, subject to sub-paragraph (3) of this paragraph, be taken by an absolute majority vote:

Provided that the unanimous recommendation, of five Greek members in the case of the selection of a Greek, or of the three Turkish members in the case of the selection of a Turk, shall be acted upon by the Commission.

Appendix D: Part 7, Chapter 2 - The Accountant-General and the Deputy Accountant-General

Article 126

1. The President and the Vice-President of the Republic shall appoint jointly two fit and proper persons one to be the Accountant-General and the other to be the Deputy Accountant-General:

Provided that the Accountant-General and the Deputy Accountant-General shall not belong to the same Community.

The Accountant-General shall be the Head and the Deputy Accountant-General shall be the Deputy Head of the Treasury.

The Accountant-General and the Deputy Accountant-General shall be members of the permanent public service of the Republic.

The retirement and any disciplinary control, including dismissal or removal from office, of the Accountant-General and the Deputy Accountant-General shall be within the competence of the Public Service Commission.

Article 127

The Accountant-General assisted by the Deputy Accountant-General shall manage and supervise all accounting operations in respect of all moneys and other assets administered, and of liabilities incurred, by or under the authority of the Republic and, subject to the provisions of this Constitution or of any law, shall receive and make all the disbursements of moneys of the Republic.

The Accountant-General assisted by the Deputy Accountant-General shall exercise all such other powers and shall perform all such other functions and duties as are conferred or imposed on him by law.

The powers, functions and duties of the Accountant-General provided in this Chapter may be exercised by him in person or by such subordinate officers acting under and in accordance with his instructions.

Article 128

The Deputy Accountant-General shall have such powers and shall perform such functions and duties as normally appertain to his office and also shall, subject to the directions of the Accountant-General, exercise all the powers and perform all the functions and duties vested in the Accountant-General under the provisions of this Constitution or by law.

The Deputy Accountant-General shall act for the Accountant-General in case of his absence or his temporary incapacity to perform his duties.

Appendix D: Part 8 - The Forces of the Republic Article 129

The Republic shall have an army of two thousand men of whom sixty per centum shall be Greeks and forty per centum shall be Turks.

Compulsory military service shall not be instituted except by common agreement of the President and the Vice-President of the Republic.

Article 130

The security forces of the Republic shall consist of the police and gendarmerie and shall have a contingent of two thousand men which may be reduced or increased by common agreement of the President and the Vice-President of the Republic.

The security forces of the Republic shall be composed as to seventy per centum of Greeks and as to thirty per centum of Turks:

Provided that for an initial period and in order not to discharge those Turks serving in the police on the 11th February, 1959, except those serving in the auxiliary police, the percentage of Turks may be kept up to a maximum of forty per centum and consequently that of the Greeks may be reduced to sixty per centum.

Article 131

The Heads and Deputy Heads of the army, the police and the gendarmerie of the Republic shall be appointed jointly by the President and the Vice-President of the Republic.

One of the Heads of the army, the police and the gendarmerie shall be a Turk and where the Head of the army, the police and the gendarmerie belongs to one Community the Deputy Head shall belong to the other Community.

Article 132

Forces which are stationed in parts of the territory of the Republic inhabited in a proportion approaching one hundred per centum only by members of one Community shall belong to that Community.

Appendix D: Part 9 - The Supreme Constitutional Court

Article 133

1. (1) There shall be a Supreme Constitutional Court of the Republic composed of a Greek, a Turk and a neutral judge. The neutral judge shall be the President of the Court.

(2) The President and the other judges of the Supreme Constitutional Court shall be appointed jointly by the President and the Vice-President of the Republic:

Provided that in the case of a vacancy solely in the post of either the Greek or the Turkish judge the proposal of the President or the Vice-President of the Republic to whose Community the judge to be appointed shall belong shall prevail if the President and the Vice-President of the Republic do not agree on the appointment within a week of such proposal.

The seat of the Supreme Constitutional Court shall be in the capital of the Republic.

The neutral judge shall not be a subject or a citizen of the Republic or of the Kingdom of Greece or of the Republic of Turkey or of the United Kingdom and the Colonies.

The Greek and the Turkish judge of the Supreme Constitutional Court shall be a citizen of the Republic.

The President and the other judges of the Supreme Constitutional Court shall be appointed from amongst lawyers of high professional and moral standard.

(1) The President of the Court shall be appointed for a period of six years.

The remuneration and other conditions of service of the President of the Court shall be laid down in the instrument of his appointment.

The conditions of service of the President of the Court to be laid down in the instrument of his appointment as provided in sub-paragraph (2) of this paragraph shall include - provision for his retirement on the same grounds as those on which the Greek or the Turkish judge may be retired under sub-paragraph (3) of paragraph 7 of this Article; and provision for his dismissal on the same grounds as those on which such Greek or Turkish judge may be dismissed under sub-paragraph (4) of paragraph 7 of this Article.

7. (1) The Greek and the Turkish judge of the Court shall be permanent members of the judicial service of the Republic and shall hold office until they attain the age of sixty-eight.

Without prejudice to any retirement pension, gratuity or any other like benefit he may have acquired under the provisions of any law, the Greek or the Turkish judge of the Court may at any time resign his office by writing under his hand addressed to the President and the Vice-President of the Republic.

The Greek or the Turkish judge of the Court shall be retired on account of such mental or physical incapacity or infirmity as would render him incapable of discharging the duties of his office either permanently or for such period of time as would render it impracticable for him to continue in office. A judge so retired shall be entitled to all benefits and emoluments provided by any law in force for the time being.

The Greek or the Turkish judge of the Court may be dismissed on the ground of misconduct.

8. (1) There shall be established a Council consisting of the President of the High Court as Chairman and the senior in appointment Greek judge and the Turkish judge of the High Court as members.

(2) This Council shall have exclusive competence to determine all matters relating to -the retirement, dismissal or otherwise the termination of the appointment of the President of the Court in accordance with the conditions of service laid down in the instrument of his appointment;

the retirement or dismissal of the Greek or the Turkish judge of the Court on any of the grounds provided in sub-paragraphs (3) and (4) of paragraph 7 of this Article.

The proceedings of the Council under sub-paragraph (2) of this paragraph shall be of a judicial nature and the judge concerned shall be entitled to be heard and present his case before the Council.

The decision of the Council taken by a majority shall be binding upon the President and the Vice-President of the Republic who shall jointly act accordingly.

9. In the case of temporary absence or incapacity of the President or of the Greek judge or of the Turkish judge of the Court, the President of the High Court or the senior in appointment of the two Greek judges or the Turkish judge thereof respectively shall act in his place during such temporary absence or incapacity.

10. No action shall be brought against the President or any other judge of the Court for any act done or words spoken in his judicial capacity.

The remuneration and other conditions of service of the Greek and the Turkish judge of the Court shall be fixed by a law.

The remuneration and other conditions of service of any judge of the Court shall not be altered to his disadvantage after his appointment.

Article 134

The sittings of the Supreme Constitutional Court for the hearing of all proceedings shall be public but the Court may hear any proceedings in the presence only of the parties, if any, and the officers of the Court if it considers that such a course will be in the interest of the orderly conduct of the proceedings or if the security of the Republic or public morals so require.

When a recourse appears to be prima facie frivolous the Court may, after hearing arguments by or on behalf of the parties concerned, unanimously dismiss such recourse without a public hearing if satisfied that such recourse is in fact frivolous.

Article 135

The Supreme Constitutional Court shall make Rules of Court for regulating the practice and procedure of the Court in the exercise of jurisdiction conferred upon it by this Constitution, for prescribing forms and fees in respect of proceedings in the Court and for prescribing and regulating the composition of its registry and the powers and the duties of the officers thereof.

Article 136

The Supreme Constitutional Court shall have exclusive jurisdiction adjudicate finally on all matters as provided in the ensuing Articles.

Article 137

The President and the Vice-President of the Republic, either separately or conjointly, shall have a right of recourse to the Supreme Constitutional Court under the provisions of this Article on the ground that any law or decision of the House of Representatives or any provision thereof discriminates against either of the two Communities.

A recourse under paragraph 1 of this Article shall be made within seventy-five days of the promulgation of any such law or decision.

Notice of the filing of such a recourse shall be published in the official Gazette of the Republic by the President and the Vice-President of the Republic within a period of twenty-four hours from such filing. Upon the publication of such notification in the official Gazette of the Republic the operation of such law or decision shall be suspended from the day following such publication until the Supreme Constitutional Court determines such recourse.

4. Upon such recourse the Court may confirm or annul such law or decision or any provision thereof or return it to the House of Representatives for reconsideration, in whole or in part:

Provided that in the case of annulment of a law or decision or any provision thereof such annulment shall operate from the date of the publication of the decision of the Supreme Constitutional Court under paragraph 5 of this Article without prejudice to anything done or left undone under such law or decision or provision thereof.

5. The decision of the Court shall be notified forthwith to the President and the Vice-President of the Republic and to the President and the Vice-President of the House of Representatives and shall be published forthwith by the President and the Vice-President of the Republic in the official Gazette of the Republic.

Article 138

Where on the adoption of the Budget by the House of Representatives the President and the Vice-President of the Republic, either separately or conjointly, has or have exercised his or their right to return it to the House of Representatives on the ground that in his or their judgement there is a discrimination and the House has persisted in its decision, the President and the Vice-President of the Republic, either separately or conjointly, as the case may be, shall have a right of recourse to the Supreme Constitutional Court on such ground.

Such recourse shall be made within the period fixed by this Constitution for the promulgation of the laws or decisions of the House of Representatives.

Upon such a recourse the Court may annul or confirm the Budget or return it to the House of Representatives, in whole or in part.

The decision of the Court shall be notified forthwith to the President and the Vice-President of the Republic and to the President and the Vice-President of the House of Representatives and shall be published forthwith by the President and the Vice-President of the Republic in the official Gazette of the Republic.

Article 139

1. The Supreme Constitutional Court shall have jurisdiction to adjudicate finally on a recourse made in connection with any matter relating to any conflict or contest of power or competence arising between the House of Representatives and the Communal Chambers or any one of them and between any organs of, or authorities in, the Republic: Provided that nothing in this paragraph contained shall apply to any conflict or contest between any courts or judicial authorities in the Republic, which conflict or contest shall be decided by the High Court.

For the purposes of this paragraph the expression "courts or judicial authorities in the Republic" does not include the Supreme Constitutional Court.

Where any question arises as to the competence of the Supreme Constitutional Court regarding any matter, such question shall be determined by the Supreme Constitutional Court.

Recourse to the Court under paragraph 1 of this Article may be made by the President or the Vice-President of the Republic; the House of Representatives; or one of, or both the Communal Chambers; or any other organ of, or authority in, the Republic, if involved in such conflict or contest. Such recourse shall be made within thirty days of the date when such power or competence is contested. Upon such a recourse the Court may declare that the law or the decision or the act, the subject or the recourse, is void, either from the time when the conflict or contest arose or ab initio, and without any legal effect whatsoever, either in whole or in part, on the ground that such law or decision or act was made or taken or done without power or competence, and in either case the Court may give directions as to the effect of anything done or left undone under such law or decision or act.

Any decision of the Court upon such recourse shall be forthwith notified to the parties concerned and to the President and the Vice-President of the Republic who shall forthwith publish it in the official Gazette of the Republic.

Upon a recourse under this Article the Court may order that the operation of the law or decision or act, as the case may be, which is the subject matter of such recourse, shall be suspended until the determination of the recourse; such order shall be published forthwith in the official Gazette of the Republic.

Article 140

The President and the Vice-President of the Republic acting jointly may, at any time prior to the promulgation of any law or decision of the House of Representatives, refer to the Supreme Constitutional Court for its opinion the question as to whether such law or decision or any specified provision thereof is repugnant to or inconsistent with any provision of this Constitution, otherwise than on the ground that such law or decision or any provision thereof discriminates against either of the two Communities.

The Supreme Constitutional Court shall consider every question referred to it under paragraph 1 of this Article and having heard arguments on behalf of the President and the Vice-President of the Republic and on behalf of the House of Representatives shall give its opinion on such question and notify the President and the Vice-President of the Republic and the House of Representatives accordingly.

3. In case the Supreme Constitutional Court is of the opinion that such law or decision or any provision thereof is repugnant to or inconsistent with any provision of this Constitution such law or decision or such provision thereof shall not be promulgated by the President and the Vice-President of the Republic.

Article 141

The President or the Vice-President of the Republic may, at any time prior to the promulgation of any law imposing any formalities, conditions or restrictions on the right guaranteed by Article 25, refer to the Supreme Constitutional Court for its opinion the question as to whether such formality, condition or restriction is not in the public interest or is contrary to the interests of his Community.

The Supreme Constitutional Court shall consider such question and having heard arguments on behalf of the President or the Vice-President of the Republic, as the case may be, and on behalf of the House of Representatives shall give its opinion and notify the President and the Vice-President of the Republic and the House of Representatives accordingly.

In case the Supreme Constitutional Court is of opinion that such formality, condition or restriction is not in the public interest or is contrary to the interests of such Community such law or any provision thereof prescribing such formality, condition or restriction shall not be promulgated by the President and the Vice-President of the Republic.

Article 142

The President of the Republic with regard to any law or decision of the Greek Communal Chamber and the Vice-President of the Republic with regard to any law or decision of the Turkish Communal Chamber, may, at any time prior to the publication of such law or decision, refer to the Supreme Constitutional Court for its opinion the question as to whether such law or decision or any specified provision thereof is repugnant to or inconsistent with any provision of this Constitution.

The Supreme Constitutional Court shall consider every question referred to it under paragraph 1 of this Article and having heard arguments on behalf of the President or the Vice-President of the Republic, as the case may be, and on behalf of the Communal Chamber concerned, shall give its opinion on such question and notify accordingly the President or the Vice-President of the Republic, as the case may be, and the Communal Chamber concerned.

In case the Supreme Constitutional Court is of the opinion that such law or decision or any provision thereof is repugnant to or inconsistent with any provision of this Constitution such law or decision or such provision thereof shall not be published by the President or the Vice-President of the Republic, as the case may be.

Article 143

The President or the Vice-President of the Republic or Representatives consisting of at least one-fifth of the total number of a newly-elected House of Representatives shall have a right of recourse to the Supreme Constitutional Court on the question whether there exist such urgent and exceptional unforeseen circumstances as to justify a House of Representatives which continues to be in office until the assumption of office of a newly-elected House to make any laws or take any decisions as in Article 68 provided.

Such recourse, if made by the President or the Vice-President of the Republic shall be made within the period provided by this Constitution for the promulgation of the laws and decisions of the House of Representatives and if made by such Representatives shall be made within fifteen days of the date when the new House first meets.

The decision of the Court shall be notified forthwith to the President and the Vice-President of the Republic and to the President and the Vice-President of the House of Representatives and shall be published forthwith by the President and the Vice-President of the Republic in the official Gazette of the Republic.

Article 144

1. A party to any judicial proceedings, including proceedings on appeal, may, at any stage thereof, raise the question of the unconstitutionality of any law or decision or any provision thereof material for the determination of any matter at issue in such proceedings and thereupon the Court before which such question is raised shall reserve the question for the decision of the Supreme Constitutional Court and stay further proceedings until such question is determined by the Supreme Constitutional Court.

The Supreme Constitutional Court, on a question so reserved, shall, after hearing the parties, consider and determine the question so reserved and transmit its decision to the Court by which such question has been reserved.

Any decision of the Supreme Constitutional Court under paragraph 2 of this Article shall be binding on the court by which the question has been reserved and on the parties to the proceedings and shall, in case such decision is to the effect that the law or decision or any provision thereof is unconstitutional, operate as to make such law or decision inapplicable to such proceedings only.

Article 145

The Supreme Constitutional Court shall have exclusive jurisdiction to adjudicate finally on any election petition, made under the provisions of the Electoral Law, with regard to the elections of the President or the Vice-President of the Republic or of members of the House of Representatives or of any Communal Chamber.

Article 146

The Supreme Constitutional Court shall have exclusive jurisdiction to adjudicate finally on a recourse made to it on a complaint that a decision, an act or omission of any organ, authority or person, exercising any executive or administrative authority is contrary to any of the provisions of this Constitution or of any law or is made in excess or in abuse of powers vested in such organ or authority or person.

Such a recourse may be made by a person whose any existing legitimate interest, which he has either as a person or by virtue of being a member of a Community, is adversely and directly affected by such decision or act or omission.

Such a recourse shall be made within seventy-five days of the date when the decision or act was published or, if not published and in the case of an omission, when it came to the knowledge of the person making the recourse.

Upon such a recourse the Court may, by its decision -confirm, either in whole or in part, such decision or act or omission; or declare, either in whole or in part, such decision or act to be null and void and of no effect whatsoever, or declare that such omission, either in whole or in part, ought not to have been made and that whatever has been omitted should have been performed.

Any decision given under paragraph 4 of this Article shall be binding on all courts and all organs or authorities in the Republic and shall be given effect to and acted upon by the organ or authority or person concerned.

Any person aggrieved by any decision or act declared to be void under paragraph 4 of this Article or by any omission declared there under that it ought not to have been made shall be entitled, if his claim is not met to his satisfaction by the organ, authority or person concerned, to institute legal proceedings in a court for the recovery of damages or for being granted other remedy and to recover just and equitable damages to be assessed by the court or to be granted such other just and equitable remedy as such court is empowered to grant.

Article 147

The Supreme Constitutional Court shall have exclusive jurisdiction to adjudicate finally on a motion made by the Attorney-General and the Deputy Attorney-General of the Republic, in accordance with the provisions of paragraph 3 of Article 44, with regard to the question of the existence of such permanent or temporary incapacity, or absence, otherwise than temporary, of the President or the Vice-President of the Republic, as would prevent him to perform effectively his duties as in sub-paragraph (d) of paragraph 1 of Article 44 provided.

Article 148

Subject to the provisions of paragraph 3 of Article 144, any decision of the Supreme Constitutional Court on any matter within its jurisdiction or competence shall be binding on all courts, organs, authorities and persons in the Republic.

Article 149

The Supreme Constitutional Court shall have exclusive jurisdiction - to determine any conflict between the two texts of this Constitution by reference to the text of the draft of this Constitution signed at Nicosia on the 6th April, 1960, in the Joint Constitutional Commission together with the schedule of amendments thereto signed on* by representatives of the Kingdom of Greece, the Republic of Turkey and the Greek and Turkish Cypriot communities, due regard being had to the letter and spirit of the Zurich Agreement dated the 11th February, 1959, and of the London Agreement dated the 19th of February, 1959;

to make, in case of ambiguity, any interpretation of this Constitution due regard being had to the letter and spirit of the Zurich Agreement dated the 11th February, 1959, and of the London Agreement dated the 19th February, 1959.

Article 150

The Supreme Constitutional Court shall have jurisdiction to punish for contempt of itself.

Article 151

Notwithstanding anything in the foregoing provisions of this Part, the Supreme Constitutional Court shall have exclusive competence to decide finally on a reference made to it by the Public Service Commission under sub-paragraph (2) of paragraph 3 of Article 125.

Nothing in this Article contained shall preclude any recourse to the Supreme Constitutional Court under Article 146 on a complaint concerning any decision, act or omission of the Public Service Commission.

Appendix D: Part 10 - The High Court and the Subordinate Courts

Article 152

The judicial power, other than that exercised under Part IX by the Supreme Constitutional Court and under paragraph 2 of this Article by the courts provided by a communal law, shall be exercised by a High Court of Justice and such inferior courts as may, subject to the provisions of this Constitution, be provided by a law made there under.

The judicial power with respect to civil disputes relating to personal status and to religious matters which are reserved under Article 87 for the Communal Chambers shall be exercised by such courts as a communal law made under the provisions of this Constitution shall provide.

Article 153

1. (1) There shall be a High Court of Justice composed of two Greek judges, one Turkish judge and a neutral judge. The neutral judge shall be the President of the Court and shall have two votes.

(2) The President and the other judges of the High Court shall be appointed jointly by the President and the Vice-President of the Republic:

Provided that in the case of a vacancy solely in the post of either a Greek judge or the Turkish judge the proposal of the President or the Vice-President of the Republic to whose Community the judge to be appointed shall belong shall prevail if the President and the Vice-President of the Republic do not agree on the appointment within a week of such proposal.

The seat of the High Court shall be in the capital of the Republic.

The neutral judge shall not be a subject or a citizen of the Republic or of the Kingdom of Greece or of the Republic of Turkey or of the United Kingdom and the Colonies.

The Greek judges and the Turkish judge of the High Court shall be citizens of the Republic.

The President and the other judges of the High Court shall be appointed from amongst lawyers of high professional and moral standard.

(1) The President of the High Court shall be appointed for a period of six years.

The remuneration and other conditions of service of the President of the High Court shall be laid down in the instrument of his appointment.

The conditions of service of the President of the High Court to be laid down in the instrument of his appointment as provided in sub-paragraph (2) of this paragraph shall include-(a) provision for his retirement on the same grounds as those on which a Greek or the Turkish judge may be retired under sub-paragraph (3) of paragraph 7 of this Article; and

(b) provision for his dismissal on the same grounds as those on which such Greek or Turkish judge may be dismissed under sub-paragraph (4) of paragraph 7 of this Article.

7. (1) The Greek judges and the Turkish judge of the High Court shall be permanent members of the judicial service of the Republic and shall hold office until they attain the age of sixty-eight.

Without prejudice to any retirement pension, gratuity or any other like benefit he may have acquired under the provisions of any law, any Greek judge or the Turkish judge of the High Court may at any time resign his office by writing under his hand addressed to the President and the Vice-President of the Republic.

Any Greek or the Turkish judge of the High Court shall be retired on account of such mental or physical incapacity or infirmity as would render him incapable of discharging the duties of his office either permanently or for such period of time as would render it impracticable for him to continue in office. A judge so retired shall be entitled to all benefits and emoluments provided by any law in force for the time being.

A Greek or the Turkish judge of the High Court may be dismissed on the ground of misconduct.

8. (1) There shall be established a Council consisting of the President of the Supreme Constitutional Court as Chairman and the Greek and the Turkish judge of the Supreme Constitutional Court as members.

(2) This Council shall have exclusive competence to determine all matters relating to the retirement, dismissal or otherwise the termination of the appointment of the President of the High Court in accordance with the conditions of service laid down in the instrument of his appointment;

the retirement or dismissal of any Greek judge or the Turkish judge of the High Court on any of the grounds provided in sub-paragraphs (3) and (4) of paragraph 7 of this Article.

The proceedings of the Council under sub-paragraph (2) of this paragraph shall be of a judicial nature and the judge concerned shall be entitled to be heard and present his case before the Council.

The decision of the Council taken by a majority shall be binding upon the President and the Vice-President of the Republic who shall jointly act accordingly.

9. In the case of temporary absence or incapacity of the President of the High Court or of one of the Greek judges or of the Turkish judge thereof the President of the Supreme Constitutional Court or the Greek judge or the Turkish judge thereof respectively shall act in his place during such temporary absence or incapacity:

Provided that if it is impracticable or inconvenient for the Greek or the Turkish judge of the Supreme Constitutional Court to act, the senior in office Greek or Turkish judge in the judicial service of the Republic shall so act respectively.

10. No action shall be brought against the President or any other judge of the High Court for any act done or words spoken in his judicial capacity.

The remuneration and other conditions of service of the Greek judges and of the Turkish judge of the High Court shall be fixed by a law. The remuneration and other conditions of service of any judge of the High Court shall not be altered to his disadvantage after his appointment.

Article 154

The sittings of the High Court for the hearing of all proceedings shall be public but the court may hear any proceedings in the presence only of the parties, if any, and the officers of the court if it considers that such a course will be in the interest of the orderly conduct of the proceedings or if the security of the Republic or public morals so require.

Article 155

The High Court shall be the highest appellate court in the Republic and shall have jurisdiction to hear and determine, subject to the provisions of this Constitution and of any Rules of Court made there under, all appeals from any court other than the Supreme Constitutional Court.

Subject to paragraphs 3 and 4 of this Article the High Court shall have such original and revisional jurisdiction as is provided by this Constitution or as may be provided by a law: Provided that where original jurisdiction is so conferred, such jurisdiction shall, subject to Article 159, be exercised by such judge or judges of the High Court as the High Court shall determine:

Provided further that there shall be a right of appeal to the High Court from their decision. The High Court shall, to the exclusion of any other court, determine the composition of the court which is to try a civil case where the plaintiff and the defendant belong to different Communities and of the court which is to try a criminal case in which the accused and the injured party belong to different Communities. Such court shall be composed of judges belonging to both the Greek and the Turkish Communities.

The High Court shall have exclusive jurisdiction to issue orders in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari.

Article 156

The following offences in the first instance shall be tried by a court composed of such judges belonging to both Communities as the High Court shall determine presided over by the President of the High Court:-(a) treason and other offences against the security of the Republic;

(b) offences against the Constitution and the constitutional order:

Provided that in the appeal from any decision of such court the High Court shall be presided over by the President of the Supreme Constitutional Court in the place of the President of the High Court and in such a case the President of the Supreme Constitutional Court shall have all the powers vested in the President of the High Court.

Article 157

Save as otherwise provided in this Constitution with regard to the Supreme Constitutional Court, the High Court shall be the Supreme Council of Judicature, and its President shall have two votes.

The appointment, promotion, transfer, termination of appointment, dismissal and disciplinary matters of judicial officers are exclusively within the competence of the Supreme Council of Judicature.

No judicial officer shall be retired or dismissed except on the like grounds and in the same manner as a judge of the High Court.

Article 158

A law shall, subject to the provisions of this Constitution, provide for the establishment, jurisdiction and powers of courts of civil and criminal jurisdiction other than courts to be provided by a communal law under Article 160.

Any such law shall provide for the establishment of adequate courts in sufficient number for the proper and undelayed administration of justice and for securing within the limits of their respective competence the efficient application of the provisions of this Constitution guaranteeing the fundamental rights and liberties.

A law shall provide for the remuneration and other conditions of service of the judges of the courts to be established under paragraph 1 of this Article. The remuneration and other conditions of service of any such judge shall not be altered to his disadvantage after his appointment.

Article 159

A court exercising civil jurisdiction in a case where the plaintiff and the defendant belong to the same Community shall be composed solely of a judge or judges belonging to that Community.

A court exercising criminal jurisdiction in a case where the accused and the person injured belong to the same Community, or where there is no person injured, shall be composed of a judge or judges belonging to that Community.

Where in a civil case the plaintiff and the defendant belong to different Communities the court shall be composed of such judges belonging to both Communities as the High Court shall determine.

Where in a criminal case the accused and the person injured belong to different Communities the court shall be composed of such judges belonging to both Communities as the High Court shall determine.

A coroner's inquest where the deceased belonged to the Greek Community shall be conducted by a Greek coroner and where the deceased belonged to the Turkish Community shall be conducted by a Turkish coroner. In case there are more than one deceased belonging to different Communities the inquest shall be conducted by such coroner as the High Court may direct.

The execution of any judgement or order of a court exercising civil or criminal jurisdiction, if the court is composed of a Greek judge or Greek judges shall be carried out through Greek officers of the court, if the court is composed of a Turkish judge or Turkish judges shall be carried out through Turkish officers of the court, and in any other case such execution shall be carried out by such officers as the court of trial shall direct.

Article 160

A communal law made by the Communal Chamber concerned shall, subject to the provisions of this Constitution, provide for the establishment, composition and jurisdiction of courts to deal with civil disputes relating to personal status and to religious matters which are reserved for the competence of the Communal Chambers by the provisions of this Constitution.

By such law provision shall be made for appeals against the decisions of such courts and for the composition of the courts by which such appeals are to be heard and determined and for the jurisdiction and powers of such appellate courts. A communal law made under this paragraph may provide that such appellate court may be composed of a judge or judges of the High Court either sitting alone or with such other judge or judges in the judicial service of the Republic as such law may determine.

Any such court as aforesaid in the exercise of its jurisdiction, shall apply the laws made by the Communal Chamber concerned:

Provided that nothing in this paragraph contained shall preclude a court of the Republic from applying in a case, where an issue relating to personal status or to religious matters is raised incidentally, the relevant communal law.

Article 161

Subject to paragraph 3 of Article 160 the courts of the Republic shall have power to apply also the relevant communal laws other than those relating to personal status and to religious matters.

Article 162

The High Court shall have jurisdiction to punish for any contempt of itself, and any other court of the Republic, including a court established by a communal law under Article 160, shall have power to commit any person disobeying a judgement or order of such court to prison until such person complies with such judgement or order and in any event for a period not exceeding twelve months.

A law or a communal law, notwithstanding anything in Article 90 contained, as the case may be, may provide for punishment for contempt of court.

Article 163

The High Court shall make Rules of Court for regulating the practice and procedure of the High Court and of any other court established by or under this Part of this Constitution, other than a court established under Article 160.

Without prejudice to the generality of paragraph 1 of this Article the High Court may make Rules of Court for the following purposes:-(a) for regulating the sittings of the courts and the selection of judges for any purpose; for providing for the summary determination of any appeal or other proceedings which appear to the High Court or such other court before which such proceedings are pending to be frivolous or vexatious or to have been instituted for the purpose of delaying the course of justice; for prescribing forms and fees in respect of proceedings in the courts and regulating the costs of, and incidental to, any such proceedings; for prescribing and regulating the composition of the registries of the courts and the powers and duties of officers of the courts; for prescribing the time within which any requirement of the Rules of Court is to be complied with; for prescribing the practice and procedure to be followed by the Supreme Council of Judicature in the exercise of its competence with regard to disciplinary matters relating to judicial officers.

3. Rules of Court made under this Article may fix the number of judges of the High Court who are to hear any specified matter:

Provided that in the exercise of the jurisdiction conferred on the High Court by or under this Constitution no matter shall be determined unless the provisions of Article 159 are complied with and for the hearing of any appeal, including an appeal under Article 156, the High Court shall, subject to paragraph 2 of Article 160, be composed of all its members.

Article 164

Any appellate court created under paragraph 2 of Article 160 shall make Rules of Court for regulating the practice and procedure of such court and the practice and procedure of any court from which any appeal shall lie Without prejudice to the generality of paragraph 1 of this Article such appellate court may make Rules of Court for itself and for the Courts from which an appeal shall lie to it for the following purposes :for regulating the sittings of such courts; for prescribing forms and fees in respect of proceedings in such courts and for regulating the costs of, and incidental to, any such proceedings; for prescribing and regulating the composition of registries of such courts and the powers and duties of officers of such courts; for prescribing the time within which any requirement of such Rules of Court is to be complied with.

Appendix D: Part 11 - Financial Provisions

Article 165

All revenues and moneys, howsoever raised or received by the Republic, shall, subject to the provisions of this Constitution and of the law, be paid into and form one fund to be known as the Consolidated Fund of the Republic.

All revenues and moneys, howsoever raised or received by a Communal Chamber, shall, subject to any communal law, be paid into and form one fund, to be known as the Consolidated Fund of that Communal Chamber.

Unless the context otherwise requires any reference in this Constitution to the Consolidated Fund shall be construed as a reference to the Consolidated Fund of the Republic provided in paragraph 1 of this Article.

Article 166

1. There shall be charged on the Consolidated Fund, in addition to any grant, remuneration or other moneys charged by any other provision of this Constitution or law - all pensions and gratuities for which the Republic is liable; the emoluments of the President and the Vice-President of the Republic and the salaries of the judges of the Supreme Constitutional Court and of the High Court, of the Attorney-General and of the Deputy Attorney-General of the Republic, of the Auditor-General and of the Deputy Auditor-General, of the Governor and the Deputy Governor of the Issuing Bank of the Republic and of the members of the Public Service Commission; all debt charges for which the Republic is liable; and any moneys required to satisfy any judgement, decision or award against the Republic by any court.

2. For the purposes of this Article debt charges include interest, sinking fund charges, the repayment of amortisation of debt and all expenditure in connection with the raising of loans on the security of the Consolidated Fund and the service and redemption of debt created thereby.

Article 167

The Minister of Finance shall, upon receipt of the estimates of each Ministry and of each Independent Office of the Republic, cause to be prepared in respect of every financial year a comprehensive Budget of the Republic for that year which, when approved by the Council of Ministers, shall be laid before the House of Representatives.

The estimates of expenditure in the Budget shall show separately-(a) the total sums required to meet expenditure charged on the Consolidated Fund; and (b) the sums respectively required to meet other expenditure.

The said Budget shall also show, so far as is practicable, the assets and liabilities of the Republic at the end of the last completed financial year, the manner in which those assets are invested or held and particulars in respect of outstanding liabilities.

The expenditure to be met from the Consolidated Fund but not charged thereon shall be submitted to the House of Representatives for adoption and if adopted shall be included in the Budget in respect of that financial year.

If in respect of any financial year it is found that the amount adopted by the House of Representatives for any purpose is insufficient or that a need has arisen for expenditure for a purpose for which no amount has been adopted a supplementary budget showing the sums required shall be laid before the House of Representatives for adoption and if adopted by the House of Representatives shall be included in the Budget in respect of that financial year.

The House of Representatives may approve or refuse its approval to any expenditure contained in a supplementary Budget but may not vote an increased amount or an alteration in its destination.

Article 168

1. No expenditure shall be met from the Consolidated Fund or other Public Funds except upon the authority of a warrant under the hand of the Minister of Finance:

Provided that the Minister of Finance shall not refuse to sign any such warrant for an expenditure provided for in the Budget.

Subject to the provisions of paragraph 3 of this Article, no such warrant shall be issued unless such expenditure has been adopted in the Budget for the financial year to which the warrant relates in the Budget.

If the Budget has not been adopted by the House of Representatives by the first day of the financial year to which it relates, the House of Representatives may, subject to the provisions of this Constitution, by a resolution, authorise the meeting of any expenditure required, for a period not exceeding one month at any one time but in any event not exceeding two months in the aggregate, from the Consolidated Fund or other Public Funds as they may consider essential for the continuance of the public services shown in the Budget until the expiration of such period:

Provided that the expenditure so authorised for any service shall not exceed the proportion with respect to such period of the amount voted for that service in the Budget for the preceding financial year.

Appendix D: Part 12 - Miscellaneous Provisions Article 169

Subject to the provisions of Article 50 and paragraph 3 of Article 57-(1) every international agreement with a foreign State or any International Organisation relating to commercial matters, economic co-operation (including payments and credit) and modus vivendi shall be concluded under a decision of the Council of Ministers; any other treaty, convention or international agreement shall be negotiated and signed under a decision of the Council of Ministers and shall only be operative and binding on the Republic when approved by a law made by the House of Representatives whereupon it shall be

concluded; treaties, conventions and agreements concluded in accordance with the foregoing provisions of this Article shall have, as from their publication in the official Gazette of the Republic, superior force to any municipal law on condition that such treaties, conventions and agreements are applied by the other party thereto.

Article 170

1. The Republic shall, by agreement on appropriate terms' accord most-favoured-nation treatment to the Kingdom of Greece, the Republic of Turkey and the United Kingdom of Great Britain and Northern Ireland for all agreements whatever their nature might be.

2. The provisions of paragraph 1 of this Article shall not apply to the Treaty concerning the Establishment of the Republic of Cyprus between the Republic, the Kingdom of Greece, the Republic of Turkey and the United Kingdom of Great Britain and Northern Ireland concerning the bases and military facilities accorded to the United Kingdom.

Article 171

In sound and vision broadcasting there shall be programmes both for the Greek and the Turkish Communities.

The time allotted to programmes for the Turkish Community in sound broadcasting shall not be less than seventy-five hours in a seven-day week, spread to all days of such week in daily normal periods of transmission:

Provided that if the total period of transmissions has to be reduced so that the time allotted to programmes for the Greek Community should fall below seventy-five hours in a seven-day week, then the time allotted to programmes for the Turkish Community in any such week should be reduced by the same number of hours as that by which the time allotted to programmes for the Greek Community is reduced below such hours:

Provided further that if the time allotted to programmes for the Greek Community is increased above one hundred and forty hours in a seven-day week, then the time allotted to programmes for the Turkish Community shall be increased in the ratio of three hours for the Turkish Community to every seven hours for the Greek Community.

In vision broadcasting there shall be allotted three transmission days to the programmes for the Turkish Community of every ten consecutive transmission days and the total time allotted to the programmes for the Turkish Community in such ten transmission days shall be in the ratio of three hours to seven hours allotted to programmes for the Greek Community in such ten transmission days.

All official broadcasts in sound and vision shall be made both in Greek and Turkish and shall not be taken into account for the purposes of calculating the time under this Article.

Article 172

The Republic shall be liable for any wrongful act or omission causing damage committed in the exercise or purported exercise of the duties of officers or authorities of the Republic. A law shall regulate such liability.

Article 173

1. Separate municipalities shall be created in the five largest towns of the Republic, that is to say, Nicosia, Limassol, Famagusta, Larnaca and Paphos by the Turkish inhabitants thereof:

Provided that the President and the Vice-President of the Republic shall within four years of the date of the coming into operation of this Constitution examine the question whether or not this separation of municipalities in the aforesaid towns shall continue.

The council of the Greek municipality in any such town shall be elected by the Greek electors of the town and the council of the Turkish municipality in such town shall be elected by the Turkish electors of the town.

In each such town a co-ordinating body shall be set up composed of two members chosen by the council of the Greek municipality, two members chosen by the council of the Turkish municipality and a President chosen by agreement between the two councils of such municipalities in such town. Such co-ordinating body shall provide for work which needs to be carried out jointly, shall carry out joint services entrusted to it by agreement of

the councils of the two municipalities within the town and shall concern itself with matters which require a degree of cooperation.

Article 174

Within the limits of any such town no municipal tax, rate, fee or any other revenue shall be imposed or levied upon or collected from any person by any such municipality unless such person belongs to the same Community as the municipality concerned: Provided that -fees payable in connection with the use of municipal markets, slaughter houses and other municipal places which are in the region within which the council of one of such municipalities in any such town exercises its jurisdiction; entertainment fees payable in connection with premises or places in the region within which the council of one of such municipalities in any such town exercises its jurisdiction; such fees as may be agreed upon between the two councils of such municipalities in any such town for any services additional to, or in excess of, those usually rendered by a municipality, to a person not belonging to the Community thereof, shall be paid to the council of such municipality: Provided further that in case any service in the way of control, inspection and the like is rendered by one of the municipalities to a person belonging to the Community of the other municipality in any such town any fees in respect thereof shall be payable to the municipality rendering such service.

Article 175

No license or permit shall be issued to any person by a municipality in any such town not belonging to the Community of such municipality:

Provided that licences or permits relating to premises, places or building operations in the region within which one of such municipalities in any such town exercises its jurisdiction shall be issued by the council of such municipality and any service, control or supervision in connection with such licences or permits shall be performed by the council of such municipality and any such fee payable in respect thereof shall be collected by such council.

Article 176

Nothing in Articles 173 to 178, both inclusive, contained shall be construed as precluding a law to provide for town planning with respect to any such municipalities subject to the following conditions:-(a) the planning authority for any such town shall consist of ten members, out of whom seven shall be Greeks and three shall be Turks;

(b) all decisions of such authority shall be taken by an absolute majority:

Provided that no decision affecting a Greek municipality shall be taken unless such majority includes the votes of at least four Greek members, and no decision affecting a Turkish municipality shall be taken unless such majority includes the votes of at least two Turkish members;

(c) all matters of a town planning nature affecting any such town and any regulation of any such matter shall be entrusted exclusively to such planning authority.

Article 177

Subject to the provisions of Articles 173 to 178, both inclusive, each municipality in any such town shall exercise its jurisdiction and perform all its functions respectively within a region the limits of which shall be fixed for each municipality by agreement of the President and the Vice-President of the Republic.

Article 178

With regard to other localities, a special provision shall be made for the constitution of the organs of the municipalities in accordance, as far as possible, with the rule of proportional representation of the two Communities. Appendix D: Part 13 - Final Provisions

In addition to the articles, Appendix D, Part 13 includes the following sections:

Joint Constitutional Commission Transitional Provisions

Article 179

This Constitution shall be the supreme law of the Republic.

No law or decision of the House of Representatives or of any of the Communal Chambers and no act or decision of any organ, authority or person in the Republic exercising executive power or any administrative function shall in any way be repugnant to, or inconsistent with, any of the provisions of this Constitution.

Article 180

The Greek and the Turkish texts of this Constitution shall both be originals and shall have the same authenticity and the same legal force.

Any conflict between the two texts of this Constitution shall be determined by the Supreme Constitutional Court by reference to the text of the draft of this Constitution signed at Nicosia on the 6th April, 1960, in the Joint Constitutional Commission together with the Schedule of amendments thereto signed on* by representatives of the Kingdom of Greece, the Republic of Turkey and the Greek and Turkish Cypriot communities, due regard being had to the letter and spirit of the Zurich Agreement dated the 11th February, 1959, and of the London Agreement dated the 19th February, 1959.

In case of ambiguity any interpretation of the Constitution shall be made by the Supreme Constitutional Court due regard being had to the letter and spirit of the Zurich Agreement dated the 11th February, 1959, and of the London Agreement dated the 19th February, 1959.

* Note: date to be inserted later.

Article 181

The Treaty guaranteeing the independence, territorial integrity and Constitution of the Republic concluded between the Republic, the Kingdom of Greece, the Republic of Turkey and the United Kingdom of Great Britain and Northern Ireland, and the Treaty of Military Alliance concluded between the Republic, the Kingdom of Greece and the Republic of Turkey, copies of which are annexed to this Constitution as Annexes I and II, shall have constitutional force.

Article 182

The Articles or parts of Articles of this Constitution set out in Annex III hereto which have been incorporated from the Zurich Agreement dated 11th February, 1959, are the basic Articles of this Constitution and cannot, in any way, be amended, whether by way of variation, addition or repeal.

Subject to paragraph 1 of this Article any provision of this Constitution may be amended, whether by way of variation, addition or repeal, as provided in paragraph 3 of this Article. Such amendment shall be made by a law passed by a majority vote comprising at least two-thirds of the total number of the Representatives belonging to the Greek Community and at least two-thirds of the total number of the Representatives belonging to the Turkish Community.

Article 183

1. In case of war or other public danger threatening the life of the Republic or any part thereof, the Council of Ministers shall have power, by a decision taken in this respect, to issue a Proclamation of Emergency:

Provided that the President and the Vice-President of the Republic shall, separately or conjointly, have a right of veto against any such decision which they shall exercise within forty-eight hours of the date when the decision has been transmitted to their respective offices.

2. Any such Proclamation shall specify the Articles of the Constitution which shall be suspended for the duration of such Emergency:

Provided that only the following Articles of the Constitution may be suspended by any such Proclamation that is to say:-Article 7, only in so far as it relates to death inflicted by a permissible act of war; Article 10, paragraphs 2 and 3; Article 11; Article 13; Article 16; Article 17; Article 19; Article 21; Article 23, paragraph 8, sub-paragraph (d); Article 25 and Article 27.

The President and the Vice-President of the Republic shall, unless, separately or conjointly, they have exercised their right of veto as provided in paragraph 1 of this Article, promulgate forthwith such Proclamation by publication in the official Gazette of the Republic.

A Proclamation promulgated under the foregoing provisions of this Article shall be laid forthwith before the House of Representatives. If the House of Representatives is not sitting it must be convened as soon as possible for this purpose.

The House of Representatives shall have the right to reject or confirm such Proclamation of Emergency. In the case of rejection the Proclamation of Emergency shall have no legal effect. In the case of confirmation the President and the Vice-President of the Republic shall promulgate forthwith such decision of the House of Representatives by publication in the official Gazette of the Republic.

The Proclamation of Emergency shall cease to operate at the expiration of two months from the date of confirmation by the House of Representatives unless the House, at the request of the Council of Ministers decides to prolong the duration of the state of emergency, whereupon the President and the Vice-President of the Republic, separately or conjointly, shall have a right of veto against such decision of prolongation to be exercised in accordance with Article 50.

(1) While a Proclamation is in operation, notwithstanding anything in this Constitution, the Council of Ministers if satisfied that immediate action is required may, subject to the right of veto of the President and the Vice-President of the Republic under Article 57 to be exercised, separately or conjointly, make any ordinance strictly connected with the state of emergency having the force of law.

If no right of veto is exercised under sub-paragraph (1) of this paragraph the President and the Vice-President of the Republic shall forthwith promulgate by publication in the official Gazette of the Republic such ordinance.

Such ordinance if not sooner revoked shall cease to be in force at the expiration of the emergency.

Article 184

1. Where any ordinance promulgated in pursuance of sub-paragraph (2) of paragraph 7 of Article 183 provides for preventive detention-(a) the authority on whose order any person is detained under that ordinance shall, as soon as may be, inform him of the grounds for his detention and, subject to paragraph 3 of this Article, the allegations of fact on which the order is based, and shall give him the opportunity of making representations against the order as soon as may be;

(b) no citizen shall be detained under that ordinance for a period exceeding one month unless an advisory board constituted as mentioned in paragraph 2 of this Article has considered any representations made by him under sub-paragraph (a) of this paragraph and has reported, before the expiration of that period, that there is in its opinion sufficient cause for the detention.

An advisory board constituted for the purposes of this Article shall consist of a Chairman, who shall be appointed jointly by the President and the Vice-President of the Republic from among persons who are or have been judges of the High Court or are qualified to be judges of such Court, and two other members, who shall be appointed jointly by the President and the Vice-President of the Republic after consultation with the President of the High Court.

This Article does not require any authority to disclose facts of which disclosure would in its opinion be against the national interest.

Article 185

The territory of the Republic is one and indivisible.

The integral or partial union of Cyprus with any other State or the separatist independence is excluded.

Article 186

1. In this Constitution, unless it is otherwise expressly provided or required by the context-

(1) "Community" means the Greek or the Turkish Community;

"court" includes any judge thereof;

"Greek" means a member of the Greek Community as defined in Article 2;

"law" when used in relation to the period after the coming into operation of this Constitution means a law of the Republic;

"person" includes any company, partnership, association, society, institution or body of persons, corporate or unincorporate;

"Republic" means the Republic of Cyprus;

"Turk" or "Turkish" means a member of the Turkish Community as defined in Article 2;

(2) words importing the masculine gender include females and words in the singular include the plural and vice-versa.

2. Where a power is conferred by this Constitution to make any order, rules, regulations or bye-laws or to give any directions the power shall be construed as including a power exercisable in like manner to amend or revoke any such order, rules, regulations, bye-laws or directions.

Appendix D: Part 13 - Joint Constitutional Commission

The Greek government delegation Professor Themistocles Tsatsos (Head of the Delegation)

Mr. George Charbouris

Mr. Alexandros Lekkas

Mr. Constantinos Choidas

Mr. Demetrios Apostolides

Mr. Demetrios Kyriazis

Mr. Georghios Zotiades

Mr. Demetrios Petrounakos

The Turkish delegation

Professor Nihat Erim (Head of the Delegation)

Dr. Suat Bilge

Mr. Sherif Kolhan

Mr. Ahmet Asim Akyamach

Mr. Kaya Pinar

Mr. Alaeddin Gulen

The Cyprus Greek delegation

Mr. Glafkos Clerides (Head of the Delegation)

Mr. George Polyviou

Mr. Michalakis Triantafyllides

Mr. Tasos Papadopoulos

The Legal Adviser: Mr. Criton George Tornaritis

The Cyprus Turkish delegation

Mr. Rauf Raif Denktash (Head of the Delegation)

Mr. Halit Ali Riza

Mr. Hakki Suleyman

Mr. Ali Dana

The Legal Adviser: Mr. Mehmet Nedjati M

The Legal Adviser to the Joint Constitutional Commission: Professor Marcel Bridel

His Assistant: Mr. Louis Bagi

Appendix D: Part 13 - Transitional Provisions Article 187

1. Any person elected-

(a) as first President or first Vice-President of the Republic;

(b) as a member of the House of Representatives or of any Communal Chamber, under any law in force immediately before the date of the coming into operation of this Constitution shall be deemed to be the President of the Republic or the Vice-President of the Republic, a member of the House of Representatives or a member of the Communal Chamber concerned, elected respectively under the provisions of this Constitution.

2. All laws and regulations relating to elections expired on the date of the coming into operation of this Constitution and notwithstanding such expiration shall continue to be in force until a new electoral law is made by the House of Representatives or by any Communal Chamber, as the case may be, and in any case not later than eighteen months of the date of the coming into operation of this Constitution with regard to any by-election to fill any vacancy occurring during such period in the office of the President of the Republic, the Vice-President of the Republic, any Representative or any member of a Communal Chamber.

Article 188

Subject to the provisions of this Constitution and to the following provisions of this Article, all laws in force on the date of the coming into operation of this Constitution shall, until amended, whether by way of variation, addition or repeal, by any law or communal law, as the case may be, made under this Constitution, continue in force on or after that date, and shall, as from that date be construed and applied with such modification as may be necessary to bring them into conformity with this Constitution.

Save where otherwise provided in the Transitional Provisions of this Constitution no provision in any such law which is contrary to, or inconsistent with, any provision of this Constitution and no law which under Article 78 requires a separate majority shall so continue to be in force:

Provided that the laws relating to the municipalities may continue to be in force for a period of six months after the date of the coming into operation of this Constitution and any law imposing duties or taxes may continue to be in force until the 31st day of December, 1960.

3. In any such law which continues in force under paragraph 1 of this Article, unless the context otherwise requires-

(a) any reference to the Colony of Cyprus or to the " Crown " shall, in relation to any period beginning on or after the date of the coming into operation of this Constitution, be construed as a reference to the Republic;

any reference to the Governor or the Governor in Council shall, in relation to any such period, be construed as a reference to the President and the Vice-President of the Republic, separately or conjointly, according to the express provisions in this Constitution to the House of Representatives in matters relating to exercise of legislative power other than those expressly reserved to the Communal Chambers, to the Communal Chamber concerned in all matters within its competence under this Constitution, and to the Council of Ministers in matters relating to exercise of executive power;

any reference to the Administrative Secretary or the Financial Secretary, shall in relation to any such period, be construed as a reference to the Ministry or Independent Office of the Republic for the time being charged with responsibility for the subject in relation to which reference is made;

any reference to the Attorney-General or the Solicitor-General, shall in relation to any such period, be construed as a reference to the Attorney-General of the Republic or the Deputy Attorney-General of the Republic respectively,

(e) any reference to any other person holding a public office or to any authority or body, shall, in relation to any such period, be construed as a reference to the corresponding public officer or corresponding authority, body or office of the Republic.

4. Any court in the Republic applying the provisions of any such law which continues in force under paragraph 1 of this Article, shall apply it in relation to any such period, with such modification as may be necessary to bring it into accord with the provisions of this Constitution including the Transitional Provisions thereof.

5. In this Article -"law " includes any public instrument made before the date of the coming into operation of this Constitution by virtue of such law; "modification" includes amendment, adaptation and repeal.

Article 189

Notwithstanding anything in Article 3 contained, for a period of five years after the date of the coming into operation of this Constitution-(a) all laws which under Article 188 will continue to be in force may continue to be in the English language;

(b) the English language may be used in any proceedings before any court in the Republic.

Article 190

1. Subject to the ensuing provisions of this Article any court existing immediately before the date of the coming into operation of this Constitution shall, notwithstanding anything in this Constitution, as from that date and until a new law is made regarding the constitution of the courts of the Republic and in any event not later than four months from that date, continue to function as hitherto but constituted, as far as practicable, in accordance with the provisions of this Constitution:

Provided that any pending proceedings, civil or criminal, part heard on the date of the coming into operation of this Constitution shall continue and be disposed of, notwithstanding anything contained in this Constitution, by the court as constituted in such a case.

2. Notwithstanding anything in this Constitution and until the Supreme Constitutional Court established there under is constituted within a period not later than three months of the date of the coming into operation of this Constitution, the registry of the High Court shall be the registry of the Supreme Constitutional Court.

The registry of the High Court shall be deemed to be the registry of the Supreme Constitutional Court for all its purposes, including a recourse, until such Court is constituted. the constitution of such Court shall be effected not later than three months of the date of the coming into operation of this Constitution.

In computing any time with regard to a recourse to the Supreme Constitutional Court under the provisions of this Constitution, the period between the date of the coming into operation of this Constitution and the constitution of such Court as aforesaid shall not be counted.

The Supreme Court existing immediately before the date of the coming into operation of this Constitution shall be deemed to be the High Court as established under this Constitution until the constitution of such Court under the provisions thereof; the constitution of such Court shall be made not later than three months of the date of the coming into operation of this Constitution:

Provided that a reference to the Chief Justice shall be a reference to the senior member of such Court, and such Court shall be deemed to be validly constituted during such period notwithstanding that its membership shall be below four.

Article 191

Any proceedings pending on the date of the coming into operation of this Constitution in which the Attorney-General on behalf of the Government of the Colony of Cyprus or any Department or officer thereof is a party shall continue, on and after such date, with the Republic or its corresponding office or officer being substituted as a party.

Article 192

Save where other provision is made in this Constitution any person who, immediately before the date of the coming into operation of this Constitution, holds an office in the public service shall, after that date, be entitled to the same terms and conditions of service as were applicable to him before that date and those terms and conditions shall not be

altered to his disadvantage during his continuance in the public service of the Republic on or after that date.

Subject to paragraph 1 of this Article the judges of the Supreme Court other than the Chief Justice and the judges and magistrates of the subordinate courts holding office immediately before the date of the coming into operation of this Constitution shall, notwithstanding anything contained in Articles 153 and 157, as from that date continue to hold their respective offices as if they had been duly appointed thereto under the provisions of those Articles until an appointment is made under the provisions of those Articles and the provisions of this Constitution shall apply to them accordingly.

Where any holder of an office mentioned in paragraphs 1 and 2 of this Article is not appointed in the public service of the Republic he shall be entitled, subject to the terms and conditions of service applicable to him, to just compensation or pension on abolition of office terms out of the funds of the Republic whichever is more advantageous to him.

Subject to paragraph 5 of this Article any holder of an office mentioned in paragraphs 1 and 2 of this Article whose office comes, by the operation of this Constitution, within the competence of a Communal Chamber, may, if he so desires, waive his rights under paragraph 3 of this Article and choose to serve under such Communal Chamber and in such a case such holder of such office shall be entitled to receive from the Republic any retirement pension, gratuity or other like benefit to which he would have been entitled under the law in force immediately before the date of the coming into operation of this Constitution in respect of the period of his service before such date if such period by itself or together with any period of service under such Communal Chamber would, under such law, have entitled him to any such benefit.

Any teacher who, immediately before the date of the coming into operation of this Constitution, was a serving teacher and was in receipt of remuneration out of the public funds of the Colony of Cyprus and whose office comes, by the operation of this Constitution, within the competence of a Communal Chamber shall be entitled to receive from the Republic any retirement pension, gratuity or other like benefit to which he would have been entitled under the law in force before the date of the coming into operation of this Constitution in respect of the period of his service before such date if such period by itself or together with any period of service under such Communal Chamber would, under such law, have entitled him to any such benefit.

Any person who, immediately before the date of the coming into operation of this Constitution, being in the public service of the Colony of Cyprus is on leave prior to retirement there from or on transfer from that service to any service other than that of the Republic shall, irrespective of whether he is a citizen of the Republic or not, continue to be entitled to the same terms and conditions of service as were applicable to him under such circumstances before that date and such terms and conditions shall not be altered to his disadvantage.

For the purposes of this Article

"public service" in relation to service before the date of the coming into operation of this Constitution means service under the Government of the Colony of Cyprus and in relation to service after that date means service in a civil capacity under the Republic and includes service as a member of the security forces of the Republic;

"terms and conditions of service" means, subject to the necessary adaptations under the provisions of this Constitution, remuneration, leave, removal from service, retirement pensions, gratuities or other like benefits.

8. Save as provided in paragraph 6 of this Article nothing in this Article shall apply to a person who is not a citizen of the Republic.

Article 193

Any person who, immediately before the date of the coming into operation of this Constitution, was in receipt of any pension or other retirement benefit out of the public Funds, including the Widows' and Orphans' Pension Fund, of the Colony of Cyprus shall

on and after the date of the coming into operation of this Constitution, continue to be paid such pension or other retirement benefit out of the public Funds of the Republic under the same terms and conditions as were applicable to such pensions or other retirement benefits immediately before the date of the coming into operation of this Constitution or under terms and conditions made thereafter not less favourable to that person and applicable to his case.

Article 194

The eligibility of any person to receive a pension under the Widows' and Orphans' Pension Fund shall, on and after the date of the coming into operation of this Constitution, continue to be subject to the same terms and conditions as were in force immediately before the date of the coming into operation of this Constitution and shall not be altered to the disadvantage of any such person so long as such eligibility remains.

Article 195

Notwithstanding anything in this Constitution contained, the person elected as first President of the Republic and the person elected as first Vice-President of the Republic, who under Article 187 are deemed to be the first President and the first Vice-President of the Republic, whether before or after their investiture as in Article 42 provided, conjointly shall have, and shall be deemed to have had, the exclusive right and power to sign and conclude on behalf of the Republic the Treaty concerning the Establishment of the Republic of Cyprus between the Republic, the Kingdom of Greece, the Republic of Turkey and the United Kingdom of Great Britain and Northern Ireland together with the Exchanges of Notes drawn up for signature with that Treaty, and the Treaty guaranteeing the independence, territorial integrity and Constitution of the Republic, between the Republic, the Kingdom of Greece, the Republic of Turkey and the United Kingdom of Great Britain and Northern Ireland, the Treaty of Military Alliance between the Republic, the Kingdom of Greece and the Republic of Turkey and the Agreement between the Republic, the Kingdom of Greece and the Republic of Turkey for the application of the Treaty of Alliance concluded between these countries, and such Treaties Agreements and Notes exchanged shall be thus validly concluded on behalf of the Republic and shall be operative and binding as from the date on which they have been so signed.

Article 196

The term of office of the first Communal Chambers shall commence on date of the coming into operation of this Constitution.

Article 197

Any movable or immovable property, or any right or interest thereon, 'which, immediately before the date of the coming into operation of this Constitution, was vested in, held by, or registered in the name of, the Government of the Colony of Cyprus or any other person or body, for and on behalf of, or in trust for, any school, or other body or institution which come, by or under the provisions of this Constitution, within the competence of the Communal Chambers shall, as from that date, be vested in, and be held by such person, body or authority as provided by a law of the respective Communal Chamber subject to such terms and conditions as such communal law may provide: Provided that no such law shall direct that any such property shall vest in, or be held by, the Communal Chamber itself.

Nothing in this Article contained shall apply to any bequest or other donation administered by trustees or to any vakf in connection with any educational purposes.

Article 198

1. The following provisions shall have effect until a law of citizenship is made incorporating such provisions -

any matter relating to citizenship shall be governed by the provisions of Annex D to the Treaty of Establishment;

any person born in Cyprus, on or after the date of the coming into operation of this Constitution, shall become on the date of his birth a citizen of the Republic if on that date

his father has become a citizen of the Republic or would but for his death have become such a citizen under the provisions of Annex D to the Treaty of Establishment.

2. For the purposes of this Article "Treaty of Establishment" means the Treaty concerning the Establishment of the Republic of Cyprus between the Republic, the Kingdom of Greece, the Republic of Turkey and the United Kingdom of Great Britain and Northern Ireland.

Article 199

The Turkish Communal Chamber shall have the right to receive from the Government of the United Kingdom of Great Britain and Northern Ireland the sums specified in the Notes exchanged between the Governor of the Colony of Cyprus, on behalf of the Government of the United Kingdom and the representatives of the Turkish Community of Cyprus drawn up for signature on* .

* Note: date to be inserted later.

Source: <http://www.kktcb.eu/upload/pdf/99914.pdf>

APPENDIX 8

UN SECURITY COUNCIL RESOLUTION 186

Adopted by the Security Council on 4 March 1964

The Security Council,

Noting that the present situation with regard to Cyprus is likely to threaten international peace and security and may further deteriorate unless additional measures are promptly taken to maintain peace and to seek out a durable solution,

Considering the positions taken by the parties in relation to the Treaties signed at Nicosia on 16 August 1960,

Having in mind the relevant provisions of the Charter of the United Nations and its Article 2, paragraph 4, which reads: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations",

1. *Calls upon* all Member States, in conformity with their obligations under the Charter of the United Nations, to refrain from any action or threat of action to worsen the situation in the sovereign Republic of Cyprus, or to endanger international peace;

2. *Asks* the Government of Cyprus, which has the responsibility for the maintenance and restoration of law and order, to take all additional measures necessary to stop violence and bloodshed in Cyprus;

3. *Calls upon* the communities in Cyprus and their leaders to act with the utmost restraint;

4. *Recommends* the creation, with the consent of the Government of Cyprus, of a United Nations Peace-Keeping Force in Cyprus. The composition and size of the Force shall be established by the Secretary-General, in consultation with the Governments of Cyprus, Greece, Turkey and the United Kingdom. The commander of the Force shall be appointed by the Secretary-General and report to him. The Secretary-General, who shall keep the Governments providing the Force fully informed, shall report periodically to the Security Council on its operation;

5. *Recommends* that the function of the Force should be in the interest of preserving international peace and security, to use its best efforts to prevent a recurrence of fighting and, as necessary, to contribute to the maintenance and restoration of law and order and a return to normal conditions;

6. *Recommends* that the stationing of the Force shall be for a period of three months, all costs pertaining to it being met, in a manner to be agreed upon by them, by the Governments providing the contingents and by the Government of Cyprus. The Secretary-General may also accept voluntary contributions for the purpose;

7. *Recommends* further that the Secretary-General designate, in agreement with the Government of Cyprus and the Governments of Greece, Turkey and United Kingdom a mediator who shall use his best endeavours with the representatives of the communities and also with the aforesaid four Governments, for the purpose of promoting a peaceful solution and an agreed settlement of the problem confronting Cyprus, in accordance with the Charter of the United Nations, having in mind the well-being of the people as a whole and the preservation of international peace and security. The mediator shall report periodically to the Secretary-General on his efforts;

8. *Requests* the Secretary-General to provide, from funds of the United Nations, as appropriate, for the remuneration and expenses of the mediator and his staff.

Adopted unanimously at the 1102nd meeting.

Source:

<http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/211/44/IMG/NR021144.pdf?OpenElement>

APPENDIX 9

President Johnson Letter to İsmet İnönü, June 5, 1964

"Dear Mr. Prime Minister:

I am gravely concerned by the information which I have had through Ambassador Hare from you and your Foreign Minister that the Turkish Government is contemplating a decision to intervene by military force to occupy a portion of Cyprus. I wish to emphasize, in the fullest friendship and frankness, that I do not consider that such a course of action by Turkey, fraught with such far-reaching consequences, is consistent with the commitment of your Government to consult fully in advance with us. Ambassador Hare has indicated that you have postponed your decision for a few hours in order to obtain my views. I put to you personally whether you really believe that it is appropriate for your Government, in effect, to present an ultimatum to an ally who has demonstrated such staunch support over the years as has the United States for Turkey. I must, therefore, first urge you to accept the responsibility for complete consultation with the United States before any such action is taken.

It is my impression that you believe that such intervention by Turkey is permissible under the provisions of the Treaty of Guarantee of 1960. I must call your attention, however, to our understanding that the proposed intervention by Turkey would be for the purpose of supporting an attempt by Turkish Cypriot leaders to partition the Island, a solution which is specifically excluded by the Treaty of Guarantee. Further, that Treaty requires consultation among the Guarantor Powers. It is the view of the United States that the possibilities of such consultation have by no means been exhausted in this situation and that, therefore, the reservation of the right to take unilateral action is not yet applicable.

I must call to your attention, also, Mr. Prime Minister, the obligations of NATO. There can be no question in your mind that a Turkish intervention in Cyprus would lead to a military engagement between Turkish and Greek forces. Secretary of State Rusk declared at the recent meeting of the Ministerial Council of NATO in The Hague that war between Turkey and Greece must be considered as 'literally unthinkable. Adhesion to NATO, in its very essence, means that NATO countries will not wage war on each other. Germany and France have buried centuries of animosity and hostility in becoming NATO allies; nothing less can be expected from Greece and Turkey. Furthermore, a military intervention in Cyprus by Turkey could lead to a direct involvement by the Soviet Union. I hope you will understand that your NATO Allies have not had a chance to consider whether they have an obligation to protect Turkey against the Soviet Union if Turkey takes a step which results in Soviet intervention without the full consent and understanding of its NATO Allies.

Further, Mr. Prime Minister, I am concerned about the obligations of Turkey as a member of the United Nations. The United Nations has provided forces on the Island to keep the peace. Their task has been difficult but, during the past several weeks, they have been progressively successful in reducing the incidents of violence on that Island. The United Nations Mediator has not yet completed his work. I have no doubt that the general membership of the United Nations would react in the strongest terms to unilateral action by Turkey which would defy the efforts of the United Nations and destroy any prospect that the United Nations could assist in obtaining a reasonable and peaceful settlement of this difficult problem.

I wish also, Mr. Prime Minister, to call your attention to the bilateral agreement between the United States and Turkey in the field of military assistance. Under Article IV of the Agreement with Turkey of July 1947, your Government is required to obtain United States consent for the use of military assistance for purposes other than those for which such assistance was furnished. Your Government has on several occasions acknowledged to the United States that you fully understand this condition. I must tell you in all candor that the United States cannot agree to the use of any United States supplied military equipment for a Turkish intervention in Cyprus under present circumstances.

Moving to the practical results of the contemplated Turkish move, I feel obligated to call to your attention in the most friendly fashion the fact that such a Turkish move could lead to the slaughter of tens of thousands of Turkish Cypriots on the Island of Cyprus. Such an action on your part would unleash the furies and there is no way by which military action on your part could be sufficiently effective to prevent wholesale destruction of many of those whom you are trying to protect. The presence of United Nations forces could not prevent such a catastrophe.

You may consider that what I have said is much too severe and that we are disregardful of Turkish interests in the Cyprus situation. I should like to assure you that this is not the case. We have exerted ourselves both publicly and privately to assure the safety of Turkish Cypriots and to insist that a final solution of the Cyprus problem should rest upon the consent of the parties most directly concerned. It is possible that you feel in Ankara that the United States has not been sufficiently active in your behalf. But surely you know that our policy has caused the liveliest resentments in Athens (where demonstrations have been aimed against us) and has led to a basic alienation between the United States and Archbishop Makarios. As I said to your Foreign Minister in our conversation just a few weeks ago, we value very highly our relations with Turkey. We have considered you as a great ally with fundamental common interests. Your security and prosperity have been a deep concern of the American people and we have expressed that concern in the most practical terms. You and we have fought together to resist the ambitions of the communist world revolution. This solidarity has meant a great deal to us and I would hope that it means a great deal to your Government and to your people. We have no intention of lending any support to any solution of Cyprus which endangers the Turkish Cypriot community. We have not been able to find a final solution because this is, admittedly, one of the most complex problems on earth. But I wish to assure you that we have been deeply concerned about the interests of Turkey and of the Turkish Cypriots and will remain so.

Finally, Mr. Prime Minister I must tell you that you have posed the gravest issues of war and peace. These are issues which go far beyond the bilateral relations between Turkey and the United States. They not only will certainly involve war between Turkey and Greece but could involve wider hostilities because of the unpredictable consequences which a unilateral intervention in Cyprus could produce. You have your responsibilities as Chief of the Government of Turkey; I also have mine as President of the United States. I must, therefore, inform you in the deepest friendship that unless I can have your assurance that you will not take such action without further and fullest consultation I cannot accept your injunction to Ambassador Hare of secrecy and must immediately ask for emergency meetings of the NATO Council and of the United Nations Security Council.

I wish it were possible for us to have a personal discussion of this situation. Unfortunately, because of the special circumstances of our present Constitutional position, I am not able to leave the United States. If you could come here for a full discussion I would welcome it. I do feel that you and I carry a very heavy responsibility for the general peace and for the possibilities of a sane and peaceful resolution of the Cyprus problem. I ask you, therefore, to delay any decisions which you and your colleagues might have in mind until you and I have had the fullest and frankest consultation.

Sincerely, Lyndon B. Johnson"

Source: Foreign Relations, 1964-1968, Volume XVI, Cyprus; Greece; Turkey
<http://www.state.gov/r/pa/ho/frus/johnsonlb/xvi/>

APPENDIX 10

Makarios Letter to President Ghizikis, July 1974

Mr. President,

It is with deep regret that I am bound to report to you certain unacceptable conditions and facts, for which I consider the Greek Government responsible.

Since the secret arrival in Cyprus of General Grivas, in September 1971, rumours have circulated and there were well founded indications that he came to Cyprus urged and encouraged by certain circles in Athens. It is, however, certain that Grivas, from the first days of his arrival in Cyprus, was in touch with Greek officers from Greece, serving in the National Guard, by whom he was given help and support in his efforts to form an illegal organisation and to struggle allegedly for Enosis. He created the criminal organisation "EOKA B", which was the cause and the source of many ills for Cyprus. The activities of this organisation which, under the mantle of patriotism and Enosis slogans, has committed political assassinations and many other crimes are well known.

The National Guard, which is officered and controlled by Greek officers, was from the start the main supplier of both men and materials to "EOKA B", the members of which euphemistically called themselves "Enosists" and the "Enosist Array".

On many occasion I considered the question why an illegal nationally damaging organisation, which divides and causes internal dissension, splits the internal front, and leads the Greek Cypriots to civil war in Cyprus, is supported by Greek officers. On many an occasion I have also considered the question whether this support is approved by the Greek Government. I had a number of thoughts and reflections in order to find a logical answer to my doubts and to my questions. No answer under any circumstances or reflections could be supported on a logical basis. But the Greek Officers' support of "EOKA B" is in reality an undeniable fact. The National Guard camps in various places and their surrounding areas are decorated with pro-Grivas and pro-"EOKA B" slogans and with slogans against the Cyprus Government and especially against me. Greek Officers make propaganda in favour of "EOKA B" within the camps of the National Guard, openly. It is also known and it is an undeniable fact that the opposition press, which supports the criminal activities of "EOKA B", is financed by Athens, and is guided and takes its line from the persons in charge of the 2nd Bureau of the General Staff and the Greek Central Information Office (KYP) in Cyprus.

It is true, that whenever complaints were transmitted by me to the Greek Government about the attitude and behaviour of certain Greek officers, I received the reply that I ought not to hesitate to report such officers by naming them, and to state concrete accusations against them so that they would be recalled from Cyprus. I did this only on one occasion. Such a task is displeasing to me. But the evil is not cured by dealing with it in this way. What is important is the uprooting of the evil and its prevention and not simply to deal with the resulting consequences.

I regret to say, Mr. President, that the root of the evil is too deep and reaches as far as Athens. From there it is fed and from there it is conserved and spreads growing into a tree of evil, the bitter fruit of which Greek Cypriots are tasting today. And in order to be more and absolutely specific I state that members of the military regime of Greece support and direct the activities of the terrorist organisation "EOKA B". This explains the involvement of Greek officers of the National Guard in the illegal actions, conspiracies and other unacceptable situations.

Evidence of the guilt of the circles of the military regime can be found in documents, which were found recently in the possession of leading "EOKA B" persons. It is from the National Centre that money was sent plentifully for the needs of the organisation. After the death of Grivas and the recall of Major Karousos, who came with him, orders were given regarding the leadership of the organisation, and generally all directives came from Athens. It is not possible to doubt the genuineness of these documents, because the typed ones have corrections made by hand, and the handwriting of the author is known. I enclose one such document as an example.

I have always had as a principle and have repeatedly stated that cooperation with each Greek Government constitutes a national duty for me. National interest dictates harmonious and close cooperation between Athens and Nicosia. Whichever the Government of Greece is, it is for me the Government of the motherland and I must cooperate with it. I cannot say that I have special sympathy with military regimes especially in Greece, the country which gave birth to and is the cradle of democracy. But even in this case I did not waver from the principle of cooperation. You should understand however, Mr. President, the sad thoughts which occupy and torment me, after ascertaining that persons of the Government of Greece are guiding conspiracies against me, and worst of all dividing the Greeks of Cyprus and driving them to destroy each other. Not just on one occasion up to now have I felt, and in some instances almost been touched by an invisible hand stretched from Athens, searching in order to destroy my human existence. However, for the sake of national expediency I kept silent. Even the crafty spirit which seized the three defrocked bishops who, created a great crisis in the church, had its source of origin and emanated from Athens. However, I said nothing regarding this. I just pondered and considered all this. I would have continued to remain silent regarding the responsibility of the Greek Government in the present drama of Cyprus, if I was the only sufferer on the stage of this drama. But covering up and silence are not permissible, when all of Cypriot Hellenism is suffering, when Greek officers of the National Guard, urged by Athens are supporting "EOKA B" in criminal activities, which include political assassinations and are generally aimed at the dissolution of the state.

In the effort to dissolve the state of Cyprus great is the responsibility of the Greek Government. The Cyprus state can only be dissolved in the case of Enosis. Since, however, Enosis is not feasible it is imperative to strengthen the statehood of Cyprus. The Greek Government in its entire stance regarding the issue of the National Guard is practicing an abrogative policy on the Cyprus state. Some months ago the General Headquarters of the National Guard, which consists entirely of Greek officers, submitted to the Government of Cyprus for approval a list of candidates for cadet officers, who would be trained in a special school and would subsequently serve, during the course of their service, as officers. The Council of Ministers did not approve fifty-seven of the candidates on the list. General Headquarters was duly informed by letter. Despite this, on instructions from Athens, Headquarters did not pay any attention to the decision of the Council of Ministers, which had, on the basis of legislation, the exclusive right to appoint officers of the National Guard. Acting with impunity and arbitrarily General Headquarters trampled on laws, ignored the decision of the Government and enrolled the candidates which had not been approved in the school for officers. I consider absolutely unacceptable this attitude of the National Guard Headquarters, which consists of officers dependent on the Greek Government. The National Guard is an organ of the state of Cyprus and it must be controlled by it and not by Athens. The theory of a unitary defensive area of Greece-Cyprus has its sentimental side, but in reality the situation is different. The National Guard, in the way it is composed and officered today has deflected itself from its purpose and has become a place of burgeoning illegality, a centre of conspiracies against the state and a source of supplies for "EOKA B". Suffice it to say that vehicles of the National Guard in the recently increased activities of "EOKA B" transported arms and moved members of the organisation, whose arrest was imminent, to safety. The absolute

responsibility for this deviation of the National Guard rests with Greek officers, some of whom are from head to foot mixed up and participate in "EOKA B ". And the National Centre is not without its share in responsibility. The Greek government could, with a simple nod, put an end to this regrettable situation. The National Centre could order an end to the violence and the terrorism of "EOKA B", because it is from Athens that the organisation derives the means of its support and its strength, as is proved by various evidence and receipts. As proof of this unacceptable situation I note here in parenthesis, that in Athens slogans were written against me on the walls of churches and other buildings, including the building of the Cyprus Embassy, yet the Greek Government, despite the fact, that it knows the identity of the perpetrators made no attempt to arrest and punish even one of them, tolerating thus propaganda for "EOKA B".

I have a lot more to say, Mr. President, but I do not think that I ought to speak at greater length. And in conclusion I convey to you that the National Guard which is officered by Greek officers, and whose sorry plight has shaken the confidence of the people of Cyprus, will be restructured on a new basis. I have shortened the period of service in order to reduce the ceiling of the National Guard and the extent of the evil. Possibly it could be observed that the reduction in the strength of the National Guard, due to the shortening of the period of service, would render it incapable of fulfilling its duty in the case of national danger. For reasons I do not wish to state here, I do not share this view. And I would request that the Greek officers serving in the National Guard be recalled. Their continued service and command of the National Guard would be damaging to the relations between Athens and Nicosia. I would, however, be happy should you wish to send to Cyprus about a hundred Greek officers to act as instructors and advisers to assist in the reorganisation of the armed forces of the Republic. I hope that, in the meantime, instructions will be given from Athens to "EOKA B" to terminate its activities since while it is not disbanded definitely it cannot be excluded that it will start a new wave of violence and assassinations.

I regret, Mr. President, that I found it necessary to say many unpleasant things in order to describe in these lines and in a language of raw sincerity the lamentable situation which has existed for a long time. This, however, is dictated by National interest, which I always have as a guide for all my actions. I do not wish to interrupt my co-operation with the Greek Government. It must, however, be kept in mind that I am not an appointed commissioner nor a locum tenens of the Greek Government in Cyprus, but an elected leader of a large section of Hellenism and I demand analogous behaviour towards me from the National Centre. The contents of this letter are not secret.

With hearty wishes,

Makarios of Cyprus

Source:

<http://www.cyprus-conflict.net/www.cyprus-conflict.net/makarios%20to%20ghizikis.html>

APPENDIX 11

UN Security Council Resolution 353

Adopted by the Security Council on 20 July 1974

The Security Council,

Having considered the report of the Secretary-General at its 1779th meeting about the recent developments in Cyprus,

Having heard the statement made by the President of the Republic of Cyprus and the statements by the representatives of Cyprus, Turkey, Greece and other Member States,

Having considered at its present meeting further developments in the island, *Deeply deploring* the outbreak of violence and continuing blood-shed, *Gravely concerned* about the situation which led to a serious threat to international peace and security, and which created a most explosive situation in the whole Eastern Mediterranean area, *Equally concerned* about the necessity to restore the constitutional structure of the Republic of Cyprus, established and guaranteed by international agreement,

Recalling its resolution 186(1964) of 4 March 1964 and its subsequent resolutions on this matter,

Conscious of this primary responsibility for the maintenance of international peace and security in accordance with Article 24 of the Charter of the United Nations,

1. *Calls upon* all States to respect the sovereignty, independence and territorial integrity of Cyprus;

2. *Calls upon* all parties to the present fighting as a first step to cease all firing and requests all States to exercise the utmost restraint and to refrain from any action which might further aggravate the situation;

3. *Demands* an immediate end to foreign military intervention in the Republic of Cyprus that is in contravention of the provisions of paragraph 1 above;

4. *Requests* the withdrawal without delay from the Republic of Cyprus of foreign military personnel present otherwise than under the authority of international agreements, including those whose withdrawal was requested by the President of the Republic of Cyprus, Archbishop Makarios, in his letter of 2 July 1974;

5. *Calls upon* Greece, Turkey and the United Kingdom of Great Britain and Northern Ireland to enter into negotiations without delay for the restoration of peace in the area and constitutional government in Cyprus and to keep the Secretary-General informed;

6. *Calls upon* all parties to co-operate fully with the United Nations Peace-Keeping Force in Cyprus to enable it to carry out its mandate;

7. *Decides* to keep the situation under constant review and asks the Secretary-General to report as appropriate with a view to adopting further measures in order to ensure that peaceful conditions are restored as soon as possible.

Adopted unanimously at the 1781st meeting.

Source:

<http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/289/72/IMG/NR028972.pdf?OpenElement>

APPENDIX 12

Geneva Declaration 30 July 1974

Following is the text of the declaration on Cyprus signed at Geneva on 30 July 1974, by the Foreign Ministers of Britain, Turkey and Greece:

1. The Foreign Ministers of Greece, Turkey and the United Kingdom held negotiations in Geneva from 25-30 July 1974. They recognized the importance of setting in train as a matter of urgency, measures to adjust and to regularize within a reasonable period of time the situation in the Republic of Cyprus on a lasting basis, having regard to the international agreement signed at Nicosia on 16 August 1960, and to resolution 353 of the Security Council of the United Nations. They were, however, agreed on the need to decide first certain immediate measures.

2. The three Foreign Ministers declared that in order to stabilize the situation the areas in the Republic of Cyprus controlled by opposing armed forces on 30 July 1974 at 22:00 hours Geneva time should not be extended. They called on all forces, including irregular forces, to desist from all offensive or hostile activities.

3. The three Foreign Ministers also concluded that the following measures should be put into immediate effect;

(a) A security zone of sizes to be determined by representatives of Greece, Turkey and the United Kingdom in consultation with the United Nations Peace-Keeping Force on Cyprus (UNFICYP) should be established at the limit of the areas occupied by the Turkish armed forces at the time specified in paragraph 2 above. This zone should be entered by no forces other than those of UNFICYP, which should supervise the prohibition of entry. Pending the determination of the size and character of the security zone, the existing area between the two forces should be entered by no forces.

(b) All the Turkish enclaves occupied by Greek or Greek Cypriot forces should be immediately evacuated. These enclaves will continue to be protected by UNFICYP and to have their previous security arrangements.

Other Turkish enclaves outside the area controlled by the Turkish armed forces shall continue to be protected by an UNFICYP security zone and may, as before, maintain their own police and security forces.

(c) In mixed villages the functions of security and police will be carried out by UNFICYP.

(d) Military personnel and civilians, detained as a result of the recent hostilities shall be either exchanged or released under the supervision of the International Committee of the Red Cross within the shortest time possible.

4. The three Foreign Ministers, reaffirming that resolution 353 of the Security Council should be implemented in the shortest possible time, agreed that within the framework of a just and lasting solution acceptable to all parties concerned and as peace, security and mutual confidence are established in the Republic of Cyprus, measures, should be elaborated which will lead to the timely and phased reduction of the number of armed forces and the amounts of armaments, ammunition and other war material in the Republic of Cyprus.

5. Deeply conscious of their responsibilities as regards the maintenance of the independence, territorial integrity and security of the Republic of Cyprus, the three Foreign Ministers agreed that negotiations, as provided for in resolution 353 of the Security Council, should be carried on with the least possible delay to secure (a) the

restoration of peace in the area, and (b) the re-establishment of constitutional government in Cyprus.

To this end they agreed that further talks should begin on 8 August 1974, at Geneva. They also agreed that representatives of the Greek Cypriot and Turkish Cypriot communities should, at an early stage, participate in the talks relating to the constitution.

Among the constitutional questions to be discussed should be that of an immediate return to constitutional legitimacy, the vice-president assuming the functions provided for under the 1960 Constitution.

The Ministers noted the existence in practice in the Republic of Cyprus of two autonomous administrations, that of the Greek Cypriot community and that of the Turkish Cypriot community.

Without any prejudice to the conclusions to be drawn from this situation, the Ministers agreed to consider at their next meeting the problem raised by their existence.

6. The three Foreign Ministers agreed to convey the contents of this declaration to the Secretary-General of the United Nations and to invite him to take appropriate action in the light of it.

They also expressed their conviction of the necessity that the fullest co-operation should be extended by all concerned in the Republic of Cyprus in carrying out its terms.

Statement by the Foreign Ministers of Greece, Turkey and Britain

The Foreign Ministers of Greece, Turkey and the United Kingdom of Great Britain and Northern Ireland made it clear that the adherence of their Governments to the declaration of today's date in no way prejudiced their respective views on the interpretation or application of the 1960 Treaty of Guarantee or their rights and obligations under the Treaty.

Source:

<http://www.trncinfo.com/TANITMADAIRESI/2002/ENGLISH/DOCUMENTS/5a.htm>

APPENDIX 13

UN Assembly Resolution 3212, 1 November 1974

The General Assembly,

Having considered the question of Cyprus,

Gravely concerned about the continuation of the Cyprus crisis, which constitutes a threat to international peace and security,

Mindful of the need to solve this crisis without delay by peaceful means, in accordance with the purposes and principles of the United Nations,

Having heard the statements in the debate and taking note of the report of the Special Political Committee on the question of Cyprus,

1. *Calls* upon all States to respect the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus and to refrain from all acts and intervention directed against it;

2. *Urges* the speedy withdrawal of all foreign armed forces and foreign military presence and personnel from the Republic of Cyprus, and the cessation of all foreign interference in its affairs;

3. *Considers* that the constitutional system of the Republic of Cyprus concerns the Greek Cypriot and Turkish Cypriot communities;

4. *Commends* the contacts and negotiations taking place on an equal footing, with the good offices of the Secretary-General between the representatives of the two communities, and calls for their continuation with a view to reaching freely a mutually acceptable political settlement, based on their fundamental and legitimate rights;

5. *Considers* that all the refugees should return to their homes in safety and calls upon the parties concerned to undertake urgent measures to that end;

6. *Express* the hope that, if necessary, further efforts including negotiations can take place, within the framework of the United Nations, for the purpose of implementing the provisions of the present resolution, thus ensuring to the Republic of Cyprus its fundamental right to independence, sovereignty and territorial integrity;

7. *Requests* the Secretary-General to continue to provide United Nations humanitarian assistance to all parts of the population of Cyprus and calls upon all States to contribute to that effort;

8. *Calls* upon all parties to continue to co-operate fully with the United Nations Peace-keeping Force in Cyprus, which may be strengthened if necessary;

9. *Requests* the Secretary-General to continue to lend his good offices to parties concerned;

10. *Further requests* the Secretary-General to bring the present resolution to the attention of the Security Council.

2275th plenary meeting, 1 November 1974.

Source:

<http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/738/14/IMG/NR073814.pdf?OpenElement>

APPENDIX 14

UN Security Council Resolution 365

Adopted by the Security Council on 13 December 1974

The Security Council,

Having received the text of resolution 3212(XXIX) of the General Assembly on the "Question of Cyprus",

Noting with satisfaction that the above resolution was adopted unanimously,

1. *Endorses* General Assembly resolution 3212(XXIX) and urges the parties concerned to implement it as soon as possible;
2. *Requests* the Secretary-General to report on the progress of implementation on the present resolution.

Adopted at the 1810th meeting by consensus.

Source:

<http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/289/84/IMG/NR028984.pdf?OpenElement>

APPENDIX 15

Declaration of TFSC 14 February 1974

The Declaration included the following statements:

"The Board of Ministers and Legislative Assembly of the Autonomous Turkish Administration of Cyprus held a joint meeting in Nicosia on 13 February 1975 and decided the following having regard to duly mentioned reasons:

- The Turkish Cypriot community, one Party of the founders of the Republic, has been forced to resist the attempts and threats by the Greek Cypriots to terminate the independence of the Republic of Cyprus in 1963, 1967 and 1974.

It was concluded that it is impossible to live together with the Greek Cypriots, other Party of the founders of the Republic of Cyprus and that the two communities should be allowed to live adjacently by arranging their inner structures in order to bring calm, security and sustained peace to the Island; and

According to foregoing statements, it was considered that the Greek Cypriot Community should pursue a favourable and constructive attitude for the foundation of the Federal Republic of Cyprus; and

It was confirmed that any attempt on the independence of Cyprus and to divide or integrate it with another state shall be wholeheartedly resisted; and

It is believed that the status of independence is required for the Republic of Cyprus and was thus decided that the island not be allowed to serve foreign interests; and

It was considered it is necessary to create the legal basis for the attainment of order in their respective regions as the medium of order is a prerequisite for the foundation of the Federal Republic of Cyprus in the future; and

It was confirmed that the final objective was to integrate with the Greek Cypriot Community within the framework a bi-regional federation;

It was decided that the 1960 Constitution the basic principles of which were set on the basis of international agreements in accordance with the international law shall be replaced as the Constitution of the Federal Republic of Cyprus following the same procedure and that the rearrangement and organization of the autonomous Turkish Cypriot Administration is necessary until the Federal Republic is founded.

Therefore, it was decided the Constitutional Assembly be founded under the presidency of the President of the Turkish Cypriot Administration".

Source: <http://www.cypnet.co.uk/ncyprus/history/republic/1975.html>

APPENDIX 16

UN Security Council Resolution 367

Adopted by the Security Council without a vote on 12 March 1975

The Security Council,

Having considered the situation in Cyprus in response to the complaint submitted by the Government of the Republic of Cyprus,

Having heard the report of the Secretary-General and the statements made by the parties concerned,

Deeply concerned at the continuation of the crisis in Cyprus,

Recalling its previous resolutions, in particular resolution 365(1974) of 13 December 1974 by which it endorsed General Assembly resolution 3212(XXIX) adopted unanimously on 1 November 1974,

Noting the absence of progress towards the implementation of its resolutions

1. *Calls once more* on all States to respect the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus and urgently requests them, as well as the parties concerned, to refrain from any action which might prejudice that sovereignty, independence, territorial integrity and non-alignment, as well as from any attempt at partition of the island or its unification with any other country;

2. *Regrets* the unilateral decision of 13 February 1975 declaring that a part of the Republic of Cyprus would become a "Federated Turkish State", as, *inter alia*, tending to compromise the continuation of negotiations between the representatives of the two communities on an equal footing, the objective of which must continue to be to reach freely a solution providing for a political settlement and the establishment of a mutually acceptable constitutional arrangement, and expresses its concern over all unilateral actions by the parties which have compromised or may compromise the implementation of the relevant United Nations resolutions;

3. *Affirms* that the decision referred to in paragraph 2 above does not prejudice the final political settlement of the problem of Cyprus and takes note of the declaration that this was not its intention;

4. *Calls* for the urgent and effective implementation of all parts and provisions of General Assembly resolution 3212(XXIX), endorsed by Security Council resolution 365(1974);

5. *Considers* that new efforts should be undertaken to assist the resumption of the negotiations referred to in paragraph 4 of resolution 3212(XXIX) between the representatives of the two communities;

6. *Requests* the Secretary-General accordingly to undertake a new mission of good offices and to that end to convene the parties under new agreed procedures and place himself personally at their disposal, so that the resumption, the intensification and the progress of comprehensive negotiations, carried out in a reciprocal spirit of understanding and of moderation under his personal auspices and with his direction as appropriate, might thereby be facilitated;

7. *Calls upon* the representatives of the two communities to co-operate closely with the Secretary-General in the discharge of this new mission of good offices and asks them to accord personally a high priority to their negotiations;

8. *Calls upon* all the parties concerned to refrain from any action which might jeopardise the negotiations between the representatives of the two communities and to

take steps which will facilitate the creation of the climate necessary for the success of those negotiations;

9. *Requests* the Secretary-General to keep the Security Council informed of the progress made towards the implementation of resolution 365(1974) and of the present resolution and to report to it whenever he considered it appropriate and, in any case, before 15 June 1975;

10. *Decides* to remain actively seized of the matter.

Adopted at the 1820th meeting without a vote.

Source: <http://www.un.org/documents/sc/res/1975/res367e.pdf>

APPENDIX 17

Proposals of the Greek Cypriots and the Turkish Cypriots, April 1977

Principles Subject to Which the Proposals of the Greek Cypriot Side for the Solution of the Cyprus Problem are made

In presenting its proposals on the various aspects of the Cyprus problem the Greek Cypriot side wishes to state that such proposals

- (a) Are interrelated and interdependent and should be taken together as a whole with a view to reaching a solution to the Cyprus problem on a "package deal basis, and
- (b) Are subject to the following general principles.

General principles

1. The Constitution of the Republic of Cyprus shall provide for the establishment of a bi-communal federal State, the Federal Republic of Cyprus, which shall be a federation, and not a confederation, and shall -

- (a) Preserve the sovereignty, independence and territorial integrity of the Republic of Cyprus;
- (b) Ensure that the Federal Republic of Cyprus shall be the sole subject of international law, to the exclusion of its constituent parts;
- (c) Preserve the unity of the country.

2. In the Federal Republic of Cyprus and its constituent parts the fundamental human rights and liberties, as set out in International Conventions ratified by the Republic, shall be safeguarded.

3. Particularly, and without prejudice to the generality of the above,, for every citizen of the Republic -

- (a) There shall be a right of free movement throughout the territory of the Republic and freedom of residence in any place in which he may choose to reside;
- (b) His life, security and liberty shall be safeguarded and his private and family life shall be respected and his home shall be inviolable;
- (c) His right to property shall be respected and safeguarded;
- (d) His right to work, practice his profession or carry on his business in any place he chooses shall be assured.

Annex D

Proposals of Turkish Cypriots

I. Preamble

The Turkish Federated State of Cyprus, representing the Turkish Cypriot Community, which is fully conscious and proud of its achievement in preserving the independence of the Republic of Cyprus, is desirous to establish with the Greek Cypriot Administration an independent, bi-zonal, federal, non-aligned Republic;

Do ordain to propose in good faith the founding of a partnership based on equality between the two existing Administrations,;

With the object of serving the welfare of the two Communities, enabling them to live in peace and security side by side, enjoying the benefits and blessings of a democratic system of Government and to enhance their social and economic development;

The Turkish Federated State therefore submits the outlines of the Constitution of such a federal Republic which should be examined in the true spirit of federalism that has guided its authors.

II. Introduction

When the human experience in the system of federal government is objectively examined we see that such a system is established among various political entities either for defence, economic welfare or for social and political considerations. Furthermore, such experiences show us that the success of a federal system of government depends to a very large extent on maintaining equilibrium between its component political entities and creating a common sense of values.

The Turkish Federated State of Cyprus, bearing in mind the experiences and total inadequacy and failure of the 1960 Constitution does hereby propose a system of federalism which, it sincerely believes is not only suitable to the existing realities of the Island, but is also flexible enough to generate its own national growth, free from cumbersome legalistic barriers. No legal system, however perfect, can ensure the success of a system of government unless its citizens sincerely believe in the system. This belief and determination of the two Communities can only be enhanced by a system of equality which will engender not fear of domination, but a spirit of co-operation for the common interest. In this sense federalism is more than a system of government embodied in legalistic formulas, but a way of life open to trial and error.

As it will be understood from the above explanations, under the federal system proposed by the Turkish Federated State of Cyprus, this partnership in power can only be envisaged "between two equal political entities joining their resources in a central federal administration on a basis of equality working together at first in a comparatively limited field., but at the same time cooperating in many spheres of administration. Thus, those functions of the Federal Government proposed to be of a purely advisory nature initially, may grow into exclusive federal powers as confidence and spirit of co-operation between the two Communities are established.

III.. General principles concerning the establishment of a federal republic in Cyprus

1. Cyprus shall be an independent, non-aligned, sovereign, bi-zonal Greco-Turkish (Cypriot) Federal Republic composed of two Federated States one in the North for the Turkish national community and one in the South for the Greek national community.
2. The sovereignty shall continue to be shared equally by the two national communities as co-founders of the Republic.
3. The powers and functions of the Federal Government shall be those conferred by the Turkish Cypriot Federated State and the Greek Cypriot Administration by agreement between them.
4. The Federal Republic shall be secular. Religion shall be kept strictly out of politics in Federal and Federated affairs.
5. Each Federated State shall have its own Constitution and shall have the right to take all such measures relating to its administration as may be necessary.
6. Under no circumstances shall Cyprus, in whole or in part., be united with any other State; unilateral declaration of independence by any of the Federated States shall be prohibited.
7. The Federal Republic of Cyprus shall henceforth follow a policy of friendship with Turkey and Greece in addition to promoting good neighborly relations with countries in the region and shall pursue a policy of non-alignment.
8. All necessary measures shall be taken to prevent the Island of Cyprus from becoming involved, directly or indirectly, in any activity endangering the peace and security of the region.
9. Each Federated State shall ensure respect for Human Rights within its respective territory subject to the fundamental requirement of a bi-zonal federation and the viability and security of each Federated State.
10. Laws and all other measures, such as administrative, economic, social etc., of the Federal Government shall not discriminate against either of the two Federated States of the two national communities.
11. All kinds of hostile activities of the two States against each other in both the internal and international spheres shall be excluded, while every effort shall be made to enhance peaceful coexistence, reconciliation and co-operation "between the two national communities. Likewise, any activity tending to foment enmity, hatred and ill-feelings between the two national communities shall be prohibited.

12. Concurrently with the building up of mutual confidence and trust and subject to security needs of the Federated States, the overall effort of the two States shall be directed towards normalization of the relations between the two national communities in all respects.

13- The question of proprietary rights and claims arising there from or relating thereto, as well as any other claims, shall be settled by mutual agreement between the Federated States, in conjunction with the question of compensation and other related matter, in such a manner as not to obstruct the setting up of the proposed bi-zonal Federal Republic.

IV. Powers and functions of the Federal Government of the Federal Republic of Cyprus

The Federal Government shall exercise powers and functions with regard to the following matters:

1. Foreign affairs:

The field of Foreign Affairs in the normal and accepted sense of the term shall, subject to certain requirements, be given to the Federal Government.

2. External defense:

The external defense force of the Federal Republic shall be composed of separate land forces of each Federated State.

3• Banking, foreign exchange and monetary affairs:

Each Federated State shall have a Bank performing the functions of a Reserve Bank. The Federal Republic shall have a uniform currency. Coordination shall be ensured by a Federal Reserve Board composed of an equal number of representatives from each Federated State.

4• Federal budget:

(a) The Federal Government shall have its own Federal Budget for the purpose of meeting the expenditure necessary for carrying out its powers and functions.

(b) The charges and fees derived from services rendered by organs of the Federal Government shall accrue to the Federal Budget.

(c) (c) Deficits in the Federal Budget shall be met by contributions from the budgets of the Federated States.

5. Customs:

Customs duties to be levied on imports and Customs tariffs shall be determined after taking fully into account the economic structure of each Federated State and the principle of balanced economic development of the two Federated States.

6. Federal communications:

The coordination of external postal and telecommunications services as well as the joint operation and maintenance of the Nicosia International Airport by the two communities on the basis of equality shall be ensured by the Federal Government.

7. Passport and citizenship:

Legislation concerning citizenship shall be made at the Federal level and issuing of passports shall be the responsibility of the Federated States.

8. Federal medical services:

The Federal Government may take measures relating to public health and general sanitary protection. The coordination of such measures between the Federated States shall be ensured by a Coordination Committee to be set up on the basis of equality.

9. Standards of weights and measures, patents, trade marks and copyrights and meteorological services:

There shall be effective coordination on these matters carried out by federal institutions in which the two communities shall participate on the basis of equality,

10• Federal advisory organizations:

Federal organizations of an advisory nature may be established in various fields in which the co-operation of the two communities may be useful, such as:

- (a) Stock Exchange
- (b) Water, energy and road planning
- (c) Natural resources
- (d) Environmental protection
- (e) Plant protection (agriculture)
- (f) Tourism and information
- (g) Marketing
- (h) Natural disasters.

V. Civil Servants and employees of the Federal Government

The civil servants and employees of the Federal Republic performing federal functions in the Federated States shall belong to the same Community as that of the State concerned. Civil servants and employees working at the central administration of the Federal Government shall have equal rights.

VI. Structure of the Federal Republic and the federated States

1. Federal Presidency:

The Federal President shall have solely representational powers and the Presidency shall rotate between the two Communities.

2. The Executive, Legislative and Judicial Organs of the Federal Republic :

(a) Executive Organ of the Federal Republic "

The executive powers of the Federal Republic shall vest jointly in the two Presidents of the Federated States, In carrying out these functions Executive Secretaries shall assist the two Presidents. Executive Secretaries shall not have decision making authority of their own.

(k) Legislative Organ of the Federal Republic:

Residual legislative power shall vest in the Federated States. The legislative organ of the Federal Republic can only legislate on those limited and well-defined matters enumerated in these proposals. The Federal Legislature shall consist of members elected separately by the two communities. On important matters such as: Foreign Affairs including the ratification of International agreements and External defense, separate absolute majorities of the Turkish and Greek members of Federal legislature shall be required.

(c) Judicial Organ of the Federal Republic :

(i) Judicial organ of the Federal Republic shall be composed of 3 Turkish and 3 Greek judges.

(ii) The Presidency of the judicial organ shall be by rotation between the two communities.

(iii) The judicial organ of the Federal Republic shall deal with matters arising under the Federal Constitution and violations of, or matters falling under, Federal Laws.

3. Federated States:

The Turkish and Greek Communities establish their Federated States within their respective zones.

VII. Implementation of fundamental rights and liberties within the Federated States

All fundamental rights and liberties shall be observed in principle with the condition that such observance shall be subject to the Laws and regulations of the Federated State concerned and shall not upset the territorial integrity and population homogeneity of the Turkish Federated State of Cyprus.

Annex E

I. BASIC PRINCIPLES WHICH SHOULD GOVERN THE CONSTITUTIONAL STRUCTURE OF THE FEDERAL REPUBLIC OF CYPRUS

(Submitted by the Greek Cypriot representative)/

1. The Federal Republic of Cyprus (hereinafter referred to as "the Federal Republic") shall be an independent, sovereign, non-aligned, bi-communal federal republic consisting of the Greek Cypriot Region and the Turkish Cypriot Region (hereinafter referred to as "the Regions").

2. The territory of the Federal Republic constitutes a single and indivisible whole and shall consist of the territories of the Regions. The state power of the Federal Republic shall be exercised throughout this territory on all persons therein.

3. (1) The people of the Federal Republic shall comprise the people of the Regions.

There shall be one sole citizenship for the whole of the Federal Republic.

(2) Every citizen shall enjoy and exercise his political rights, in so far as the federal government is concerned, irrespective of his place of residence in the Republic. The exercise by a citizen of political rights with respect to the administration of the Region in which he resides shall be regulated by constitutional arrangements.

4. The Federal Republic shall be the sole subject of international law, to the exclusion of the Regions.

5. The Federal Republic shall form a single economic unity.

6. The constitutional order in the Regions shall conform with the Federal Constitution and the principles of republican and democratic government based on the rule of law.

7- In the Federal Republic, and throughout its territory, the fundamental rights and liberties safeguarded by Part II of the Constitution of the Republic of Cyprus of 1960 by the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols, and by the United Nations International Covenants on Human Rights shall continue to apply, including freedom of movement, freedom of settlement, and right of property.

8. The general rules of public international law are an integral part of the federal law. They shall take precedence over the domestic law and shall directly create rights and duties for the inhabitants of the territory of the Federal Republic.

The form of government of the Federal Republic shall be presidential with a President and a Vice-President, elected by universal suffrage in such a way as may be provided in the Constitution or in a Law made there under. If a Greek Cypriot is elected as President then the Vice-President shall be a Turkish Cypriot and vice versa.

9. (1) The President of the Federal Republic shall be the Head, and the Vice-President of the Republic the Deputy Head, of the Federal Republic.

(2) In case of absence or inability of the President his powers shall be exercised by the Vice-President.

11. (1) The legislative power of the Federal Republic shall be exercised by two legislative bodies, the one called "the Federal Council", representing the Regions, and the other called "the House of Representatives", representing the people.

(2) The members of the Federal Council shall be elected in each Region by universal suffrage and the members of the House of Representatives shall be elected by universal suffrage by the people as a whole,

(3) The representation of the Regions in the Federal Council and the representation of the people in the House of Representatives shall, subject to paragraph 18, be regulated by the Constitution.

(4) The fundamental principles of parliamentary procedure and especially the delaying powers of the Federal Council, of the Electoral Law and of any Law relating to the federal courts shall be provided in the Constitution.

(5) Any amendment of the Federal Constitution shall require a special majority of the members representing the two Regions in the Federal Council.

12. (1) The legislative power of the Federal Republic shall be contained in the Federal List and that of the Regions in the Regional List.

(2) The residual power shall vest in the Federal Republic.

(3) In case of any conflict between a federal law and a regional law the federal law shall prevail.

13. (1) The executive power of the Federal Republic shall be exercised by the President of the Republic, who for this purpose shall have a council of ministers.

(2) The composition of the council of ministers and its functions shall be provided by the Constitution.

14. (1) The judicial power of the Federal Republic shall be exercised by the Federal Supreme Court and the federal courts subordinate thereto.

The Federal Supreme Court shall be the Constitutional Court of the Republic and the final appellate court in the Republic.

(2) The composition and jurisdiction of the Federal Courts shall be regulated by the Constitution and by a Law made there under.

15. The Federal Independent Officers of the Republic, namely the Federal Attorney-General, the Federal Auditor-General, the Governor of the Issuing Bank and the Federal Accountant-General, and their deputies, as well as their respective functions, shall be provided for in the Constitution.

16. Every citizen of the Republic shall be equally eligible to be appointed to any federal public office.

17- There shall be a Federal Public Service Commission the composition and functions of which shall be regulated by the Constitution.

18. The participation of the two Communities in the Federal Council, in the House of Representatives, in the Council of Ministers, in the Federal Supreme Court, in the Public Service Commission, in the highest federal organs and in the public service shall be proportionate to the ratio of the population, subject to equitable safeguards on certain specific matters.

II. POWERS OF THE FEDERAL GOVERNMENT AND OF REGIONAL ADMINISTRATION

The powers of the federal government and of regional administration in the Federal Republic of Cyprus are enumerated in the Lists set out herein below.

A. Federal list

The Republic (Federal Government) shall exercise power on all matters other than those specifically and expressly assigned to its constituent members (Regions). Such power comprises all subjects hereinafter enumerated for the purpose of illustration only and not exhaustively.

1. Foreign affairs

Foreign affairs includes all matters which bring the Republic or its citizens into relation with any foreign State or any other subject of international law.

There shall be deemed to be included therein, inter alia, the recognition of States, diplomatic, consular, commercial and other relations, the conclusion and implementation of treaties and of any other international obligations, the declaration of war and the conclusion of peace, and the participation in any international organization and conference.

2. Defence

Defence includes all matters relating to the protection and defence of the Republic and any part thereof against any threat either from outside or from within or against any calamity.

There shall be deemed to be included therein, inter alia, the raising, training and maintaining of the necessary armed or other forces, the establishment and maintenance of bases and any defence works, the control of weapons, explosives, munitions and war materials, the taking of all measures necessary for the prosecution of war, the restoration of peace, the meeting of any calamity, and the securing of the essentials for the well-being of the community and the re-adjustment of its economic life.

It should be noted, however, that the Greek Cypriot side supports the full demilitarization of Cyprus.

3. Security

Security includes all matters relating to peace, order and good government throughout the Republic.

There shall be deemed to be included therein, inter alia, the raising, maintenance and distribution of the necessary security forces, any matters pertaining to weapons, ammunitions and explosives, the declaration of a state of emergency throughout the Republic or in any part thereof, and the regulation of any matter relating thereto.

4. Criminal, public and civil law and procedure

This heading includes, inter alia, all matters relating to the determination of the scope and content of the criminal, public and civil law of the Republic, and the rules of evidence and of practice and procedure applicable in criminal, public and civil law proceedings.

5- Administration of justice

This heading includes, inter alia, all matters relating to the administration of justice, the constitution, organization and jurisdiction of the Supreme Court (which shall include original jurisdiction to hear disputes between the regions themselves and between the regions and the federal government and appellate jurisdiction from the federal and regional courts) and of such other federal courts and tribunals as may be necessary for the administration of justice, the persons entitled to practice before the courts, and the composition and mode of enforcement of the judgments and decisions of courts and tribunals.

6. Citizenship, aliens, immigration, emigration and extradition (including passports and visas)

This heading includes, inter alia, all matters relating to citizenship of the Republic (and the acquisition of any foreign citizenship), to aliens, their naturalization and their control, such as the entry and stay in the Republic and the acquisition of property by them, the movement of persons in and out of the Republic and the conditions of such movement, passports and visas, and extradition.

7. Trade, commerce and industry

This heading includes, inter alia, all matters relating to the regulation of trade and commerce in their international or interregional aspects or in so far as they concern or affect the interests of the Republic as a whole, the formation, registration, regulation and winding up of companies, partnerships and economic associations, the regulation of industry, including tourism, and industrial undertakings.

8. Shipping, navigation (including air navigation), ports and transport

This heading includes, inter alia, all matters relating to shipping, navigation (including air navigation and air traffic), the delimitation of territorial waters, ports and airports, transport.

Transport also includes the construction, maintenance and control of highways, mechanically propelled vehicles, regulation of traffic, carriage of passengers and goods by land, sea and air, except carriage of passengers and goods by land solely within the limits of a Region.

9. Federal works and power (including public works, electricity, water and other public utility undertakings)

This heading includes, inter alia, all matters relating to any works, even though situated wholly within the limits of a Region, which are aimed at serving the interests of the inhabitants of the Republic as a whole, and any works relating to nuclear energy and atomic power plants.

10. Mines, forests, fisheries and other natural resources and environment

This heading includes, inter alia, all matters relating to mines, quarries, mineral and quarry materials, gas and oil, water (whether surface water or not) and generally all kinds of natural resources (including the resources of the continental shelf), forests and forest materials, fishing and fisheries, and the protection and preservation of the environment.

10. Antiquities

11. Currency, legal tender and coinage, weights and measures, as well as computation of time, money, banking, exchange control and stock exchanges

12. Postal and telecommunication services

This heading includes, inter alia, all matters relating to posts and telecommunications and to wireless, broadcasting and television.

1- Customs (including customs and excise duties)

This heading includes, inter alia, all matters relating to customs, and customs and excise duties, the unity of the customs and commercial territory, the freedom of movement of goods, the exchange of goods and payments with foreign countries.

15. Industrial property (including patents, trade marks, business names, copyrights)

16. Bankruptcy and insurance

This heading includes, inter alia, all matters relating to bankruptcy and insolvency and insurance of any kind.

Finance

This heading includes, inter alia, all matters relating to the economic policy and the administration of the finance of the Republic, to the preparation and administration of the federal budget, to the raising of money by any mode or system of taxation direct (such as income tax, estate duty, corporation tax, capital tax, property tax) or indirect (such as customs and excise duties already referred to under heading 1^-, and stamp duties), the regulation of taxation for the whole of the Republic, and the regulation of the raising of money by borrowing, the making of grants and loans to the regions, and the taking of all measures to ensure the uniformity of taxation throughout the Republic.

17. • Labor and social welfare

This heading includes, inter alia, all matters relating to the registration, operation and dissolution of trade unions, the promotion of employment, wage, trade and productivity standards and the advancement of good labor relations; institutions and machinery for the solution of labor disputes in the federal service or in fields affecting the supply of services and the well-being of the inhabitants of the Republic as a whole, the establishment of institutions for, and the regulation of, training of labor, the safety of employees, the establishment, operation, regulation and financing of federal schemes of social insurance, pension schemes and the setting of standards and control of provident fund schemes.

19. • Professions and professional associations

This heading includes, inter alia, all matters concerning formalities, conditions or restrictions relating to the qualifications required for the exercise of any profession or the participation in any professional associations, and standards required for the obtaining of qualifications from institutions of higher learning in the Republic.

20. Movable and immovable property (including non-privately owned properties)

This heading includes, inter alia, all matters relating to ownership, tenure, registration and valuation, town and country planning, as well as compulsory acquisition and requisition of property.

21. Prisons

This heading includes, inter alia, all matters relating to the establishment, maintenance and regulation of penitentiaries, prisons and other correctional institutions.

22. Establishment of federal authorities and other federal agencies

This heading includes, inter alia, all matters relating to the establishment and maintenance of such federal authorities and agencies as may be necessary, including the establishment and regulation of the federal public service and the qualifications and duties of persons to be admitted to such service.

23. Public health

This heading includes, inter alia, all matters relating to the protection of public health in the Republic, exclusive of local sanitation and first aid services, to the regulation of standards for hospitals, nursing homes and other similar institutions, to drugs and poisons, food-stuffs, diseases and quarantine.

24. Agriculture

This heading includes, inter alia, agricultural policy in the interests of the Republic as a whole, agricultural research, protection against pests and prevention of plant and animal diseases.

25. Matters incidental or supplemental to the execution of any power vested in the Federation

26. Any other matter not explicitly assigned to the Regions

The abstinence of the Federal Government from legislating to the full, limits of its powers shall not have the effect of transferring to any regional legislature any power which has been assigned to the Federal Government by the Federal List.

B. Regional list

The powers of a regional administration shall extend to all matters expressly and specifically provided hereinafter.

1. Organization and administration

This heading relates to all matters concerning the structure and organization of the government of the Region and the administration therein.

2. Implementation of federal legislation

This heading relates to the implementation of all federal legislation in so far as it applies to the Region, where such implementation is expressly entrusted to the Region "by such federal legislation.

3. Local government

This heading relates to the structure and organization of local government and its functioning within the Region.

4. Public order

This heading relates to such matters concerning the maintenance of public order and security as are of a purely local and regional nature.

5. Offences under regional laws

This heading relates to the making of provision for the creation of offences for contraventions of regional laws and the imposition of punishment therefor.

6. Police

This heading relates to the organization and maintenance of local police for the enforcement of regional laws in the Region.

7. Administration of justice

This heading relates to the constitution, organization and jurisdiction of all regional courts of criminal and civil jurisdiction, including the practice and procedure in proceedings before such courts, provided that a final appeal shall always lie from the judgments or decisions of such courts to the Federal Supreme Court ,,

8. Trade, commerce and industry

This heading relates to all matters concerning the regulation of trade, commerce and industry within the Region, of a purely local and regional nature.

9. Transportation

This heading relates to the carriage of passengers and goods by land solely within the limits of the Region, the construction of regional roads within the Region and the control of traffic therein.

10. Regional works

This heading relates to all matters concerning any works of a purely local and regional nature other than works which, though situated within the Region, are carried out by the Federal Government,.

11. Forests

This heading relates to matters concerning forests assigned to the Region, and their control, conservation, protection and development.

12• Producers and consumers co-operatives and credit establishments

This heading relates to the structure and organization of co-operatives and credit establishments, their functioning and supervision.

13. Charitable and sporting organizations

This heading relates to the structure and organization of charitable and sporting organizations, their functioning and supervision within the Region.

14. Cultural and educational affairs

This heading relates to all matters concerning cultural, teaching and educational affairs in the Region, provided that the minority community within the Region shall be at liberty to establish and operate its own schools, which shall be of a standard not below the minimum standard required for public schools in the Region.

15. Finance

This heading relates to matters concerning the raising of money by way of rates, tolls, licensing fees, loans locally contracted and lotteries, and the receiving of grants and loans from the Federal Government. Such mode of receiving money should not be of a destructive or prohibitive nature and should not exceed a ceiling which may be fixed by a federal law.

16. Labor and social welfare

This heading relates to the inspection of places of work and the regional programmes of public and social welfare.

17. Professions and Trades

This heading relates to matters concerning the raising of revenue by licensing of persons possessing the qualifications required under federal law for carrying on exercising and practicing any business, trade, calling or profession within the Region other than the licensing of a corporate body incorporated under federal law,

18. Correctional Institutions

This heading relates to reform schools and other quasi-educational correctional institutions for young persons.

19. Public Health

This heading relates to all matters concerning the protection of public health and sanitation within the Region and the running of hospitals and nursing and other similar institutions.

20., Agriculture

This heading relates to all matters concerning agriculture within the Region of a purely local and regional nature.

21. Compulsory acquisition and requisition of property

This heading relates to all matters concerning the compulsory acquisition and requisition of property within the Region, for such purposes of public benefit of a purely local and regional nature on such terms and in accordance with such provisions as provided by federal law.

22. Services of a local character

This heading relates to services of a purely local and regional nature, such as fire brigades, except in the capital of the Republic, inspection of boarding houses and lodging houses, burial and cremation grounds, pounds and cattle trespass, markets and fairs, and licensing of theatres, cinemas and other places of public entertainment.

23. Matters incidental or supplemental to the execution of any power vested in the Region

24. Matters assigned by the Federal Government to the Regions

This heading relates to matters which may be assigned specifically by federal law to the Regions, though not expressly enumerated in this List.

If a Region purports to exercise competence on a matter not specifically and expressly vested in the Region the exercise of such competence shall be void.

Source: UN S/12323 30 April 1977

APPENDIX 18

UN Assembly Resolution 37/253, May 13, 1983

The General Assembly,

Having considered the question of Cyprus,

Recalling its resolution 3212 (XXIX) of 1 November 1974 and its subsequent resolutions on the question of Cyprus,

Recalling the high-level agreements of 12 February 1977 and 19 May 1979,

Reaffirming the principle of the inadmissibility of occupation and acquisition of territory by force,

Greatly concerned at the prolongation of the Cyprus crisis, which poses a serious threat to international peace and security,

Deeply regretting that the resolutions of the United Nations on Cyprus have not yet been implemented,

Recalling the idea of holding an international conference on Cyprus,

Deploring the fact that part of the territory of the Republic of Cyprus is still occupied by foreign forces,

Deploring the lack of progress in the intercommunal talks,

Deploring all unilateral actions that change the demographic structure of Cyprus or promote faits accomplis,

Reaffirming the need to settle the question of Cyprus without further delay by peaceful means in accordance with the provisions of the Charter of the United Nations and the relevant United Nations resolutions,

1. *Reiterates* its full support for the sovereignty, independence, territorial integrity, unity and non-alignment of the Republic of Cyprus and calls once again for the cessation of all foreign interference in its affairs;

2. *Affirms* the right of the Republic of Cyprus and its people to full and effective sovereignty and control over the entire territory of Cyprus and its natural and other resources and calls upon all States to support and help the Government of the Republic of Cyprus to exercise these rights;

3. *Condemns* any act which tends to undermine the full and effective exercise of the above-mentioned rights, including the unlawful issue of titles of ownership of property;

4. *Welcomes* the proposal for total demilitarization made by the President of the Republic of Cyprus;

5. *Expresses its support* for the high-level agreements of 12 February 1977 and 19 May 1979 and all the provisions thereof;

6. *Demands* the immediate and effective implementation of resolution 3212 (XXIX), unanimously adopted by the General Assembly and endorsed by the Security Council, in its resolution 365 (1974) of 13 December 1974, and of the subsequent resolutions of the Assembly and the Council on Cyprus which provide the valid and essential basis for the solution of the problem of Cyprus;

7. *Considers* the withdrawal of all occupation forces from the Republic of Cyprus as an essential basis for a speedy and mutually acceptable solution of the problem of Cyprus;

8. *Demands* the immediate withdrawal of all occupation forces from the Republic of Cyprus;

9. *Commends* the intensification of the efforts made by the Secretary-General, while noting with concern the lack of progress in the intercommunal talks;

10. *Calls* for meaningful, result-oriented, constructive and substantive negotiations between the representatives of the two communities, under the auspices of the Secretary-General, to be conducted freely and on an equal footing, on the basis of relevant United Nations resolutions and the high-level agreements, with a view to reaching as early as possible a mutually acceptable agreement based on the fundamental and legitimate rights of the two communities;

11. *Calls* for respect of the human rights and fundamental freedoms of all Cypriots, including the freedom of movement, the freedom of settlement and the right to property,

and the instituting of urgent measures for the voluntary return of the refugees to their homes in safety;

12. *Considers* that the *de facto* situation created by the force of arms should not be allowed to influence or in any way affect the solution of the problem of Cyprus;

13. *Calls upon* the parties concerned to refrain from any unilateral action which might adversely affect the prospects of a just and lasting solution of the problem of Cyprus by peaceful means and to co-operate fully with the Secretary-General in the performance of his task under the relevant resolutions of the General Assembly and the Security Council as well as with the United Nations Peace-keeping Force in Cyprus;

14. *Calls upon* the parties concerned to refrain from any action which violates or is designed to violate the independence, unity, sovereignty and territorial integrity of the Republic of Cyprus;

15. *Reiterates its recommendation* that the Security Council should examine the question of implementation, within a specified time-frame, of its relevant resolutions and consider and adopt thereafter, if necessary, all appropriate and practical measures under the Charter of the United Nations for ensuring the speedy and effective implementation of the resolutions of the United Nations on Cyprus;

16. *Welcomes* the intention of the Secretary-General, as expressed in his report, to pursue a renewed personal involvement in the quest for a solution of the problem of Cyprus and, in view of this, requests the Secretary-General to undertake such actions or initiatives as he may consider appropriate within the framework of the mission of good offices entrusted to him by the Security Council for promoting a just and lasting solution of the problem and to report to the General Assembly at its thirty-eighth session on the results of his efforts;

17. *Decides* to include in the provisional agenda of its thirty-eighth session the item entitled "Question of Cyprus" and requests the Secretary-General to follow up the implementation of the present resolution and to report on all its aspects to the General Assembly at that session.

121st plenary meeting 13 May 1983

Source:

<http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/427/31/IMG/NR042731.pdf?OpenElement>

APPENDIX 19

Declaration of TRNC November 15, 1983

Introduction

Developments which have taken place in Cyprus for the last 20 years, and the critical stage which these developments have reached at present, necessitate the placing of certain facts with clarity before world public opinion.

We expect all those who desire peace and fundamental human rights to prevail on earth, who reject discrimination among men on grounds of race, national origin, language or religious belief and who are against colonialism and racism, to give serious consideration to these indisputable facts free from prejudice and preconception.

DESTRUCTION OF THE PARTNERSHIP STATE BY GREEK CYPRIOTS

1. The establishment of the Republic of Cyprus as an independent State was based on the partnership of the Turkish Cypriot People and the Greek Cypriot people. This joint Republic which was established through the agreement of the two national communities, has been deliberately undermined and destroyed by the Greek Cypriot Administration since 1963. The Legislative, Executive and Judiciary of the partnership State, its entire Civil Service, from the most senior to the most junior ranks, have been usurped and taken over by the Greek Cypriots, placing them under the monopoly of only one of the two co-founder national communities.

Police and armed forces consisting exclusively of Greek Cypriots were formed and these armed elements have been used against the Turkish Cypriot People as an instrument of oppression and persecution.

For the past 20 years, the Turkish Cypriot People has been in a state of legitimate resistance and self-defense in the face of threats and attacks directed against its fundamental rights and freedoms, its political status and its very existence in Cyprus.

USURPATION OF THE LEGISLATURE

2. There has not been a single Turkish Cypriot member since 1964 in the "House of Representatives" of the so-called "Republic of Cyprus" whose bi-communal partnership character had been abrogated in December 1963 by brute force and armed violence. The right to elect and to be elected to this assembly, has been under the de facto monopoly of the Greek Cypriots for the past 20 years. A "House of Representatives" elected exclusively by the Greek Cypriots, and to which only the Greek Cypriots could be elected, cannot under any circumstances be regarded as the parliament of a partnership state based on two national communities. Although according to the Constitutional structure of 1960, religious affairs and similar communal functions of the Turkish/Muslim and the Greek/Orthodox communities had been entrusted to two separate Communal Chambers was unconstitutionally and unilaterally abolished by the Greek Cypriot side and its functions were transferred to the so-called "House of Representatives". Even this fact alone is sufficient to show that the said House had become the legislative assembly of only the Greek/Orthodox community.

Such an assembly to which no Turkish Cypriot can be elected and in the election of which no Turkish Cypriot can participate surely cannot in any way represent the Turkish Cypriot People. The only assembly which can represent the free will of the Turkish Cypriots is the parliament elected by the Turkish Cypriot People themselves through democratic elections.

The fact that the so-called "House of Representatives of the Republic of Cyprus", which had thus come under the monopoly of the Greek Cypriots by force and armed

violence, could not represent the entire population of the island had also been acknowledged by the Parliamentary Assembly of the Council of Europe as far back as 1964. In spite of this fact the Greek Cypriot leadership has, in complete disregard of every principle of equity and justice, recently attempted to create yet another fait accompli with a view to having Cyprus represented in the Parliamentary Assembly of the Council of Europe unilaterally by the Speaker of the Greek Cypriot parliament. The call made by the Speaker of the Turkish Cypriot parliament, proposing that the Speakers of the national assemblies of the two communities should meet to resolve this question, was not even given a reply by the Speaker of the Greek Cypriot assembly.

USURPATION OF THE EXECUTIVE

3. Like the parliament of the so-called “Republic of Cyprus”, its executive organ also came under the de facto monopoly of the Greek Cypriots. The leader of the Turkish Cypriot Community, who was empowered to exercise executive powers jointly with the leader of the Greek Cypriot community, has been prevented from doing so by brute force and intimidation, since 1963. For 20 years, the seats in the Council of Ministers belonging to the Turkish Cypriots have been unlawfully occupied by the Greek Cypriot “Ministers”.

Such an executive organ, of course, is obviously not entitled to act or speak on behalf of the Turkish Cypriot People.

The only President entitled to speak on behalf of the Turkish Cypriot People is the President empowered to do so through democratic elections by the Turkish Cypriot People themselves. The only Government that can represent the Turkish Cypriot People is the Government responsible to the Parliament elected by the free will of the Turkish Cypriot People.

USURPATION OF THE JUDICIARY

4. Even after the premeditated armed attacks against the Turkish Cypriot People in 1963, Turkish Cypriot judges had tried to continue to perform their duties. In a short while, however, these judges were also ejected from the judiciary by armed threats and brute force. There is not a single Turkish Cypriot judge in any of the judicial organs since established by the Greek Cypriot Administration in complete disregard of the Agreements and in violation of Constitutional provision.

Just like the legislative and executive organs, the Greek Cypriot leadership had also put an end to the point judicial organs of the partnership State and placed them completely under the monopoly of the Greek Cypriots. In these circumstances, the Turkish Cypriot People were obliged to establish their own independent courts in order to meet their judicial requirements.

MONOPOLIZATION OF THE CIVIL SERVICE

5. The Greek Cypriots had seized all the public posts, ranging from under-secretary by messenger, which under the partnership State had to be shared by both communities. Obviously, the Turkish Cypriot People cannot regard such a Civil Service as their own legitimate public administration.

UNILATERAL FOREIGN REPRESENTATION

6. All the representatives of the so-called “Republic of Cyprus” assigned to foreign countries and international organizations, without a single exception, belong to the Greek Cypriot community. There is not a single diplomat or even a secretary belonging to the Turkish Cypriot community in the entire foreign service of the Greek Cypriot Administration.

This foreign service protects only the interests of the Greek Cypriots and regards the political and economic strangulation of the Turkish Cypriot Community as a prime duty. Such a foreign service and its members abroad who have constantly been acting in hostility against the Turkish Cypriots, cannot possibly be accepted by the Turkish Cypriot People as their own representatives.

POLICE AND ARMED FORCES

7. It was an obligation arising from the Agreements leading to the establishment of the partnership State, that the police, gendarmerie and the armed forces should consist of persons belonging to both national communities. The Head of one of the armed forces had to be a Turkish Cypriot and the Heads and Deputy Heads of each of the armed forces had to belong to different communities.

In the past 20 years, there has not been any Turkish Cypriot of any rank in the police and armed forces, which have completely been taken over by the Greek Cypriot Administration. Can these armed elements, who have in the past held under siege Turkish Cypriot villages and Turkish quarters of the towns, be possibly regarded by the Turkish Cypriot People as their own “security forces”? Can it ever be possible for the Turkish Cypriot People to entrust its life, property, honor and dignity to these armed elements who have in the past, hand in hand with the EOKA terrorists, set Turkish Cypriot villages on fire and indiscriminately massacred Turkish Cypriots without even sparing women, children and the elderly?

BUDGET AND PUBLIC SERVICES

8. Not a single penny from the budget of the so-called “Republic of Cyprus” is ever spent on the Turkish Cypriots. Notwithstanding the fact that all the public establishments and institutions which have been set up with the contribution of the Turkish Cypriot People are the common property of both national communities, the State machinery which has been usurped by the Greek Cypriots, naturally, does not extend to the Turkish Cypriot People any of the public services required of a State.

In the past, the Greek Cypriot Administration, purporting to be the “Government of Cyprus”, while providing electricity and water for the Greek Cypriot villages, has deliberately left even the neighboring Turkish Cypriot villages without electricity and water. For many years, a veritable siege had been imposed on Turkish Cypriot enclaves prohibiting the provision of even the most basic items such as medicine, foodstuffs, construction material and even Red Crescent assistance. Turkish Cypriots who were studying abroad faced obstacles on returning to their own homeland. Obstacles were even created for the registration of newly born children and, in fact, the majority of Turkish Cypriot children born after 1963 were not registered at all. On the “State” television, Greek Cypriot primary school children were told that the Turkish Cypriots were their “national enemy”. In belief, the Greek Cypriot Administration has pursued a relentless policy of discrimination against the Turkish Cypriots.

What has compelled the Turkish Cypriot People to establish its own administration, to prepare its own budget and to organize its own public services is precisely this hostile and discriminatory attitude of the Greek Cypriot Administration.

ECONOMIC WELFARE AGAINST TURKISH CYPRIOTS

9. The above-mentioned discriminatory policies and practices have also aggravated the economic and social disparity between the Turkish Cypriot People and the Greek Cypriots. This obvious economic gap between the two co-founder partners is closely related to the Greek Cypriot policies of domination and exploitation.

Even today, the Greek Cypriots are trying to impose an all-out embargo on the Turkish Cypriot People and to create every conceivable obstacle in order to strangle, by economic means, the Turkish Cypriot People whom they have not been able to subjugate through armed violence and terrorism. This attitude has assumed the dimensions of an aggression directed against the fundamental rights and freedoms of the Turkish Cypriot People.

ARMED ONSLAUGHT AND EXTERMINATION PLANS

10. The Greek Cypriot leadership has in the past tried to force a choice on the Turkish Cypriots between “death or exile”. In order to eradicate totally the Turkish-Islamic presence in the island, numerous plans of aggression and massacre, all well documented and verified, such as the notorious Akritas Plan, the “extermination” plans for

implementation by the Greek Cypriot National Guard against the Turkish Cypriot People and the “Ioannides-Sampson” plan, were prepared.

Ever since 1955, when the EOKA terrorist organization first launched its campaign of terror and violence, intimidation and extermination plans have been put into operation on many occasions in hundreds of Turkish Cypriot villages and in the Turkish Cypriot quarters of towns.

Even today, the Greek Cypriot leadership refuses to recognize the Turkish Cypriot Community’s right to live in security and freedom in its own zone. It has become more and more evident with every passing day that the aim of the Greek Cypriot leadership is none other than to force the Turkish Cypriot People to live as a “subject community” with the status of second class citizens within a State which in practice would be dominated by the Greek Cypriots.

A faction of the Greek Cypriot leadership, and the pan-Hellenists in Greece who manipulate them, have not given up the illusion of totally hellenising the island of Cyprus, in which two separate national communities live and where these two communities must co-exist in peace.

The fanatical Greek-Orthodox Church of Cyprus, which does not even make any secret of its aim of hellenising the entire island, continues to prevail over the Greek Cypriot Administration.

INHUMAN DISCRIMINATION

11. The afore-mentioned facts clearly demonstrate that the Greek Cypriot Administration’s claim to represent also the Turkish Cypriot People is incompatible with the principles of democracy, human rights, the principles of the United Nations and with reason and morality. The Greek Cypriot leadership, who wishes to subjugate the Turkish Cypriots to alien domination and who has placed all State organs under the monopoly of the Greek Cypriots, has in fact displayed one of the most flagrant examples of discrimination based on race, national origin, language and religion.

WHY WE OWE NO ALLEGIANCE TO THE GREEK CYPRIOT ADMINISTRATION

12. The Greek Cypriot leadership which denies to the Turkish Cypriot People the right to security, equality and fundamental freedoms; the right to participate effectively in the administration of the State; the right to self-government and the right to self-determination; and even the right to existence, can no longer claim any legitimate connection whatsoever with the Turkish Cypriot People.

The Turkish Cypriot People could owe no allegiance whatsoever to an administration;

which has implemented racist and discriminatory policies;

which has attempted to usurp all the rights of the Turkish Cypriot People emanating from history, from international Agreements, and from Declaration and Conventions on human rights;

which has lost all legitimacy by totally ignoring and violating international Agreements and the constitutional order;

which has placed all the organs of the State under the monopoly of the Greek Cypriots;

which has become exclusively the administration of the Greek Cypriots, not only because of its composition, but also because of the policies it continues to pursue;

which is serving the interests of pan-hellenist expansionism; and

which aims at the very elimination of the Turkish Cypriot existence in the island.

A FULLY WORKING DEMOCRACY

13. Today the Turkish Cypriot People has a democratically-elected President chosen by the people through direct universal suffrage; a democratically elected Parliament which represents the free will of the Turkish Cypriot People within a democratic multi-party system; a Government which is responsible to this Parliament; an

independent Judiciary with a Supreme Court which also reviews the constitutionality of all legislation; a public administration which cover all the functions of a contemporary State; security forces which maintain law and order; laws enacted through the votes of the elected representatives; taxation imposed by these laws; its own budget and its own security institutions.

A PEOPLE DETERMINED TO LIVE TOGETHER IN SECURITY AND FREEDOM

14. In order to save themselves from oppression and tyranny and from the constant danger of being annihilated, and in order to be able to live in security and freedom amongst their own national community; thousands of Turkish Cypriots who had been living in South Cyprus had clandestinely crossed over to the North through mountain passes, leaving all their belongings behind and at the risk of their lives. As a result of the opportunity provided by the “Vienna Agreement” of 2 August 1975, the Turkish Cypriot People in its entirety have settled in Northern Cyprus.

The Turkish Cypriot People are determined to live together; they are determined to protect their national identity, to govern themselves in a democratic manner. They are willing to reach just and peaceful solutions, on all issues, through negotiations on the basis of equality with the Greek Cypriot People.

REJECTION OF RE-COLONIZATION BY GREECE

15. Although Cyprus has never been a part of Greece, either geographically or historically, the Greek Cypriot leadership, under the influence of Greece, has never given up the aim of annexing Cyprus to Greece.

The Turkish Cypriot People, who have all along rejected all forms of colonialism have always defended the independence of Cyprus at the cost of their lives, by resisting against ENOSIS. Had it not been for this valiant resistance of the Turkish Cypriot People, the whole of Cyprus would have been annexed to Greece long ago, the independence of Cyprus terminated and the Turkish Cypriot People once again put under colonial rule.

The Turkish Cypriot People, after having freed themselves from colonial rule and after having established a bi-communal State as a co-founder partner, and subsequently having been ejected from all the organs of that State, could never accept to live once again as an oppressed “subject community” under an administration totally in the monopoly of the Greek Cypriots; nor could they accept to be put, as a result of ENOSIS, under the rule of a foreign nation.

TURKISH CYPRIOT EFFORTS FOR A BI-ZONAL FEDERAL SOLUTION

16. The Turkish Cypriot People have earnestly striven for years for the re-establishment of an order which would be based on the equal partnership of the two peoples within a bi-zonal federal solution.

The Turkish Cypriot People, faced with the continued need for self-government while formally establishing its own state in 1975, had adopted the name and status of a “federated state” in order to pave the way for the foundation of a federal union.

In the Summit Agreement of 1977, concluded between the leaders of the two communities, the establishment of a bi-communal, bi-zonal federation was accepted as the common aim. This aim was later confirmed in the 1979 Summit Agreement, in the Opening Statement of the UN Secretary-General of 1980 and in the UN Evaluation Document of 1981.

In order to achieve this aim, direct negotiations between the two national communities, and on the basis of equality, under the auspices of the UN Secretary-General, have been accepted as the only valid method. Believing that a just and lasting solution could only be achieved through this process, the Turkish Cypriot people and its leadership have made sincere efforts within the framework.

DESTRUCTION OF THE NEGOTIATING PROCESS BY GREEK CYPRIOT LEADERSHIP

17. The Greek Cypriot leadership, especially since towards the end of 1981, under the negative influence of Greece, constantly has acted with the intention of undermining the negotiating process, of destroying the framework of the negotiations as well as eroding the major points of agreement on which the negotiations were based. All warnings and calls made by the Turkish Cypriot side in order to preserve the basic points of agreement achieved through great efforts and patience and in order not to jeopardize the negotiating process have all gone unheeded with blind intransigence.

In the course of the last three years, while the intercommunal talks were continuing, the Turkish Cypriot side actively made constructive contributions to the negotiating process, with a view to giving effect to the agreed basis for a bi-zonal federal solution. The basic negotiating position of the Turkish Cypriot side took into account the agreed criteria in the Summit Agreements of 1977 and 1979, and was in harmony with the approach in the UN Secretary-General's Opening Statement of 1980 and the UN Evaluation Document of 1981. The Turkish Cypriot side made comprehensive proposals on all aspects of the problem, explored all constructive means and approaches in order to pave the way for a compromise and was prepared to make great sacrifices to this end.

However, all proposals made in good will and all steps taken by the Turkish Cypriot side to pave the way for a compromise have remained unreciprocated. Although it had been emphasized on numerous occasions that the Turkish Cypriot side was ready for meaningful negotiations in order to move rapidly towards a federal solution, the Greek Cypriot leadership first slowed down and frustrated the negotiating process, and then they abandoned the negotiating table altogether, eventually taking the Cyprus question to international fora where the Turkish Cypriot People had no opportunity of being heard, and of defending their rights.

It has become quite clear that the Greek Cypriot leadership does not wish to accept the Turkish Cypriot People as an equal co-founder partner within a federal structure.

A negative attitude, especially in recent months, has been predominant in the Greek Cypriot leadership - an attitude which is not compatible with the concept of a federal state and the concept of co-founder partnership; which does not take into account the bitter experiences of the past; which does not recognize the right of the Turkish Cypriot People to live in security and freedom in their own zone; and which even aims of destroying mutually agreed fundamental points of agreement.

Under these circumstances, the Turkish Cypriot People has been confronted with the necessity of determining its own destiny.

INALIENABLE RIGHT TO SELF-DETERMINATION

18. The Parliament elected by the free will of the Turkish Cypriot People has, as the only legitimate body capable of representing them, already declared to the world that the Turkish Cypriot People possess the right of self-determination.

The right of self-determination of the Turkish Cypriot People stems naturally from the fundamental rights and freedoms possessed by all men. Many a State, large or small, have been established through the exercise of the right of self-determination.

This right constitutes one of the fundamental principles of the Charter of the United Nations.

Article 1 of the "International Covenant on Civil and Political Rights" as well as Article " of the "International Covenant on Economic, Social and Cultural Rights" also confirm the inalienable right of the Turkish Cypriot People to "self-determination".

As stated in Article " of the Universal Declaration of Human Rights, "all human beings are born free and equal in dignity and rights". All of the international documents relating to fundamental human rights emphasize that these rights must be exercised without discrimination of any kind as to race, color, language, religion or national origin.

The participation of every citizen, directly or through freely chosen representatives, in the conduct of public affairs, and access, on terms of equality, to public

service, are among the fundamental rights protected by basic documents relating to human rights.

As mentioned before, the Turkish Cypriot People have been prevented from all kinds of participation in the conduct of the public affairs of the so-called “Republic of Cyprus”. The Greek Cypriot leadership has, for long years, given the most inhuman examples of discrimination based on national origin, language and religious belief. Turkish Cypriot citizens of the partnership State have been deprived of all their civil, political and social rights, and of all economic opportunities and public services.

Even individuals known by the Greek Cypriot Administration to have committed crimes and atrocities against Turkish Cypriots have gone unpunished and not a single Greek Cypriot official who had oppressed and discriminated against Turkish Cypriots has ever been prosecuted for his offenses.

The Greek Cypriot Administration, by its very composition and its own actions; by destroying the partnership State; by trying to deprive the Turkish Cypriots of their fundamental rights and liberties; and by pursuing a policy of hostility against them, has disqualified itself from any claim to be the legitimate “Government” of the whole of Cyprus.

The exercise of the right of self-determination has become an imperative for the Turkish Cypriot People.

NOT ONLY A RIGHT BUT ALSO A DUTY

19. For years, the Turkish Cypriot People, having been deprived of its fundamental rights, has sacrificed the lives of many of its sons in order not to bow to servitude and domination.

It is the inalienable right of the Turkish Cypriot People to live freely in security, peace and happiness under a government emanating from its own free will and to determine its own destiny. To declare that we have decided to do so has become not only a “right” for us, but also a “duty” towards future generations.

ETERNAL AND UNIVERSAL PRINCIPLES

20. No one can expect the Turkish Cypriot People to renounce the principle that:

“All people have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”.

No one can prevent the Turkish Cypriot People from declaring the following eternal truths:

“...all men are created equal, they are endowed by their Creator with certain inalienable rights; among these are life, Liberty and the pursuit of Happiness...Governments derive their just powers from the consent of the governed.”

The Turkish Cypriot People believe that there must be in the world:

“...peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples, and of universal respect for, and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.”

The Turkish Cypriot People have as much right to live in freedom and independence as the Greek Cypriots.

CONFIRMATION OF AN EXISTING REALITY

21. The Turkish Cypriot People have in fact exercised this right a long time ago; they have established their own State with all its organs. All that is being done today is the confirmation and declaration of an existing reality and the re-naming of our State.

AN APPEAL TO THE GREEK CYPRIOT PEOPLE FOR PEACE AND FRIENDSHIP

22. On this historic day, we extend once again our hand in peace and friendship to the Greek Cypriot People:

PEACEFUL SOLUTIONS TO ALL DIFFERENCES

a) We firmly believe that the two Peoples, who are destined to co-exist side by side in the island, can and must find peaceful, just and durable solutions to all differences between them, through negotiations on the basis of equality.

DOOR OPEN TO FEDERATION

b) The proclamation of the Turkish Republic of Northern Cyprus will not hinder the two equal Peoples and their administrations from establishing a new partnership within the framework of a genuine federation on the contrary, such a proclamation can facilitate efforts in this direction by fulfilling the necessary requisites for the establishment of a federation. The Turkish Republic of Northern Cyprus, determined to make every constructive effort in this direction, will not unite with any other State.

UN MISSION OF GOOD OFFICES

c) The Turkish Cypriot side desires the continuation of the mission of good offices of the UN Secretary-General for a peaceful and conciliatory solution of all the issues between the two Peoples and urges the pursuit of negotiations under the auspices of the UN Secretary-General.

GOOD WILL MEASURES

d) We urge the Greek Cypriot Administration to abandon, once and for all its illusion of 'Enosis' which aims at subjugating the Turkish Cypriot People to a foreign State; to give up its false pretense of speaking on behalf of all Cyprus in the international field; to accept the fact that it has no authority whatsoever to represent the Turkish Cypriots and to facilitate the immediate taking of measures of good will on matters which can be resolved in the short term, with the object of narrowing the gap between the two Peoples.

BASIC POLICY

23. We consider it our duty to announce that the Turkish Republic of Northern Cyprus which we are declaring:

- a) Is, and shall remain, faithful to the principles of the United Nations Charter,
- b) Shall adhere to no other polity than non-alignment,
- c) Shall, in her relations with the two Super Powers and with all other countries attach the greatest importance to the need for peace and stability and for the presentation of the balance of power in the Eastern Mediterranean and shall not join any military bloc.
- d) Shall endeavor to establish friendly relations with all countries and shall remain firmly decided not to allow any hostile activity against any country on its territory,
- e) Shall continue to adhere to the Treaties of Establishment, Guarantee and Alliance,
- f) Shall strive to establish the closest possible ties and relations with the Islamic countries, the Non-Aligned countries and the Commonwealth countries.

We are resolved and determined to preserve Northern Cyprus as an independent and non-aligned region of tranquillity and stability which will serve the cause of peace in the world and in the Mediterranean.

DECLARATION

23. Expressing the legitimate and irrepressible will of the Turkish Cypriot People, in the light of the aforesaid realities, convictions and necessities we hereby declare before the World and before History the establishment of the Turkish Republic of Northern Cyprus as an independent State.

On this historic day, we reiterate our gratitude to our Martyrs who sacrificed their lives in order that the Turkish Cypriot People may never again be subjected to servitude under foreign domination and may live in dignity and freedom. May God's mercy be upon our Martyrs.

Source:

<http://www.trncinfo.com/TANITMADAIRESI/2002/ENGLISH/DOCUMENTS/7.htm>

APPENDIX 20

UN Security Council Resolution 541

Adopted by the Security Council on 18 November 1983

The Security Council,

Having heard the statement of the Foreign Minister of the Government of the Republic of Cyprus,

Concerned at the declaration by the Turkish Cypriot authorities issued on 15 November 1983 which purports to create an independent state in northern Cyprus,

Considering that this declaration is incompatible with the 1960 Treaty concerning the establishment of the Republic of Cyprus and the 1960 Treaty of Guarantee,

Considering, therefore, that the attempt to create a "Turkish Republic of Northern Cyprus", is invalid, and will contribute to a worsening of the situation in Cyprus,

Reaffirming its resolutions 365(1974) and 367(1975),

Aware of the need for a solution of the Cyprus problem, based on the mission of good offices undertaken by the Secretary-General,

Affirming its continuing support for the United Nations Peace-Keeping Force in Cyprus,

Taking note of the Secretary-General's statement of 17 November 1983,

1. *Deplores* the declaration of the Turkish Cypriot authorities of the purported secession of part of the Republic of Cyprus;

2. *Considers* the declaration referred to above as legally invalid and calls for its withdrawal;

3. *Calls for* the urgent and effective implementation of its resolutions 365(1974) and 367(1975);

4. *Requests* the Secretary-General to pursue his mission of good offices, in order to achieve the earliest possible progress towards a just and lasting settlement in Cyprus;

5. *Calls upon* the parties to co-operate fully with the Secretary-General in his mission of good offices;

6. *Calls upon* all States to respect the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus;

7. *Calls upon* all States not to recognise any Cypriot state other than the Republic of Cyprus;

8. *Calls upon* all States and the two communities in Cyprus to refrain from any action which might exacerbate the situation;

9. *Requests* the Secretary-General to keep the Security Council fully informed.

Adopted at the 2500th meeting by 13 votes to 1 against (Pakistan), with 1 abstention (Jordan).

Source:

<http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/453/99/IMG/NR045399.pdf?OpenElement>

APPENDIX 21

UN Security Council Resolution 550

Adopted by the Security Council on 11 May 1984

The Security Council,

Having considered the situation in Cyprus at the request of the Government of the Republic of Cyprus,

Having heard the statement made by the President of the Republic of Cyprus,

Taking note of the report of the Secretary-General (S/16519),

Recalling its resolutions 365(1974), 367(1975), 541(1983) and 544(1983),

Deeply regretting the non-implementation of its resolutions, in particular resolution 541(1983),

Gravely concerned about the further secessionist acts in the occupied part of the Republic of Cyprus which are in violation of resolution 541(1983), namely the purported exchange of Ambassadors between Turkey and the legally invalid "Turkish Republic of Northern Cyprus" and the contemplated holding of a "constitutional referendum" and "elections", as well as by other actions or threats of actions aimed at further consolidating the purported independent state and the division of Cyprus,

Deeply concerned about recent threats for settlement of Varosha by people other than its inhabitants,

Reaffirming its continuing support for the United Nations Peace-keeping Force in Cyprus,

1. *Reaffirms* its resolution 541(1983) and calls for its urgent and effective implementation,

2. *Condemns* all secessionist actions, including the purported exchange of Ambassadors between Turkey and the Turkish Cypriot leadership, declares them illegal and invalid and calls for their immediate withdrawal;

3. *Reiterates* the call upon all States not to recognise the purported state of the "Turkish Republic on Northern Cyprus" set up by secessionist acts and calls upon them not to facilitate or in any way assist the aforesaid secessionist entity;

4. *Calls upon* all States to respect the sovereignty, independence, territorial integrity, unity and non-alignment of the Republic of Cyprus;

5. *Considers* attempts to settle any part of Varosha by people other than its inhabitants as inadmissible and calls for the transfer of this area to the administration of the United Nations;

6. *Considers* any attempts to interfere with the status or the deployment of the United Nations Peace-Keeping Force in Cyprus as contrary to the resolutions of the United Nations;

7. *Requests* the Secretary-General to promote the urgent implementation of Security Council resolution 541(1983);

8. *Reaffirms* its mandate of good offices given to the Secretary-General and requests him to undertake new efforts to attain an overall solution to the Cyprus problem in conformity with the principles of the Charter of the United Nations and the provisions for such a settlement laid down in the pertinent United Nations resolutions, including resolution 541(1983) and the present resolution;

9. *Calls upon* all parties to co-operate with the Secretary-General in his mission of good offices;

10. *Decides* to remain seized of the situation with a view to taking urgent and appropriate measures in the event of non-implementation of resolution 541(1983) and the present resolution;

11. *Requests* the Secretary-General to promote the implementation of the present resolution and to report thereon to the Security Council as developments require.

Adopted at the 2539th meeting by 13 votes to 1 (Pakistan) with 1 abstention (United States of America).

Source:

<http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/487/80/IMG/NR048780.pdf?OpenElement>

APPENDIX 22

UN Security Council Resolution 649

Adopted by the Security Council on 12 March 1990

The Security Council,

Having considered the report of the Secretary-General of 8 March 1990 (S/21183) on the recent meeting between the leaders of the two communities in Cyprus and on his assessment of the current situation,

Recalling its relevant resolutions on Cyprus,

Recalling also the statement made by the President of the Security Council on 22 February 1990(S/21160) calling upon the leaders of the two communities to demonstrate the necessary goodwill and flexibility and to co-operate with the Secretary-General so that the talks will result in a major step forward toward the resolution of the Cyprus problem,

Concerned that at the recent meeting in New York it has not been possible to achieve results in arriving at an agreed outline of an overall agreement,

1. *Reaffirms* in particular its resolution 367(1975) of 12 March 1975 as well as its support for the 1977 and 1979 high-level agreements between the leaders of the two communities in which they pledged themselves to establish a bi-communal Federal Republic of Cyprus that will safeguard its independence, sovereignty, territorial integrity and non-alignment, and exclude union in whole or in part with any other country and any form of partition or secession;

2. *Expresses its full support* for the current effort of the Secretary-General in carrying out his mission of good offices concerning Cyprus;

3. *Calls upon* the leaders of the two communities to pursue their efforts to reach freely a mutually acceptable solution providing for the establishment of a federation that will be bi-communal as regards the constitutional aspects and bi-zonal as regards the territorial aspects, in line with the present resolution and their 1977 and 1979 highlevel agreements, and to co-operate, on an equal footing, with the Secretary-General in completing, in the first instance and on an urgent basis, an outline of an overall agreement, as agreed in June 1989;

4. *Requests* the Secretary-General to pursue his mission of good offices in order to achieve the earliest possible progress and, towards this end, to assist the two communities by making suggestions to facilitate the discussions;

5. *Calls upon* the parties concerned to refrain from any action that could aggravate the situation;

6. *Decides* to remain actively seized of this situation and the current effort;

7. *Requests* the Secretary-General to inform the Council in his report due by 31 May 1990, of the progress made in resuming the intensive talks and in developing an agreed outline of an overall agreement in line with the present resolution.

Adopted unanimously at the 2909th meeting.

Source:

<http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/574/99/IMG/NR057499.pdf?OpenElement>

APPENDIX 23

UN Security Council Resolution 716

Adopted by the Security Council on 11 October 1991

The Security Council,

Having considered the report of the Secretary-General of 8 October 1991 on his mission of good offices in Cyprus (S/23121),

Noting with satisfaction the progress made in preparing a set of ideas as the basis for arriving at an agreed overall framework agreement on Cyprus,

Noting with concern the difficulties encountered in completing this work,

Regretting that it was not possible to convene the high-level international meeting foreseen in the statement by the President of the Security Council of 28 June 1991(S/22744),

1. *Commends* the Secretary-General for his efforts during the past few months and endorses his report and observations;

2. *Reaffirms* its previous resolutions on Cyprus;

3. *Reaffirms* also its position on the Cyprus question, expressed most recently in resolution 649(1990) of 12 March 1990 and in line with the high-level agreements of 1977 and 1979 between the parties in Cyprus, that the fundamental principles of a Cyprus settlement are the sovereignty, independence, territorial integrity and nonalignment of the Republic of Cyprus, the exclusion of union in whole or in part with any other country and any form of partition or secession and the establishment of a new constitutional arrangement for Cyprus that would ensure the well-being and security of the Greek Cypriot and Turkish Cypriot communities in a bi-communal and bi-zonal federation;

4. *Reaffirms further* that its position on the solution to the Cyprus problem is based on one State of Cyprus comprising two politically equal communities as defined by the Secretary-General in the eleventh paragraph of annex I to his report of 8 March 1990(S/21183),

5. *Calls upon* the parties to adhere fully to these principles and to negotiate within the framework of them without introducing concepts that are at variance with them;

6. *Reaffirms* that the Secretary-General's mission of good offices is with the two communities whose participation in the process is on an equal footing;

7. *Endorses* the Secretary-General's intention to resume discussions in early November with the two parties in Cyprus and Greece and Turkey to complete the set of ideas on an overall framework agreement;

8. *Considers* that convening a high-level international meeting chaired by the Secretary-General in which the two communities and Greece and Turkey would participate represents an effective mechanism for concluding an overall framework agreement on Cyprus;

9. *Requests* the leaders of the two communities and Greece and Turkey to co-operate fully with the Secretary-General and his representatives so that the high-level international meeting can be convened before the end of this year;

10. Requests the Secretary-General to report to the Security Council in November 1991 whether sufficient progress has been made to convene the high-level international meeting and, should conditions not be ripe, to convey to the Council the set of ideas as they will have evolved by that time with his assessment of the situation.

Adopted unanimously at its 3013th meeting.

Source:

<http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/596/52/IMG/NR059652.pdf?OpenElement>

APPENDIX 24

UN Security Council Resolution 750

Adopted by the Security Council on 10 April 1992

The Security Council,

Having considered the report by the Secretary-General of 3 April 1992 on his mission of good offices in Cyprus (S/23780),

Reaffirming its previous resolutions on Cyprus,

Noting with concern that there has been no progress in completing the set of ideas for an overall framework agreement since the Secretary-General's report of 8 October 1991(S/23121) and that in some areas there has even been regression,

Welcoming the assurances given to the Secretary-General over the past two months by the leaders of the two communities and the Prime Ministers of Greece and Turkey of their desire to co-operate with him and his representatives,

1. *Commends* the Secretary-General for his efforts, and expresses its appreciation for his report of 3 April 1992 on his mission of good offices in Cyprus,

2. *Reaffirms* the position, set out in resolutions 649(1990) of 12 March 1990 and 716(1991) of 11 October 1991, that a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as defined in paragraph 11 of the Secretary-General's report (S/23780) in a bi-communal and bi-zonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession;

3. *Calls again upon* the parties to adhere fully to these principles and to negotiate without introducing concepts that are at variance with them;

4. *Endorses* the set of ideas described in paragraphs 17 to 25 and 27 of the Secretary-General's report as an appropriate basis for reaching an overall framework agreement, subject to the work that needs to be done on the outstanding issues, in particular on territorial adjustments and displaced persons, being brought to a conclusion as an integrated package mutually agreed upon by both communities;

5. *Requests* all concerned to co-operate fully with the Secretary-General and his representatives in clarifying without delay these outstanding issues;

6. *Reaffirms* that the Secretary-General's mission of good offices is with the two communities, whose participation in the process is on an equal footing to assure the well being and security of both communities;

7. *Decides* to remain seized of the Cyprus question on an ongoing and direct basis in support of the effort to complete the set of ideas referred to in paragraph 4 above and to conclude an overall framework agreement;

8. *Requests* the Secretary-General to pursue his intensive efforts to complete the set of ideas referred to in paragraph 4 above during May and June 1992, to keep the Council closely informed of his efforts and to seek the Council's direct support whenever necessary;

9. *Continues to believe* that, following the satisfactory conclusion of the Secretary-General's intensive efforts to complete the set of ideas referred to in paragraph 4 above, the convening of a high-level international meeting chaired by the Secretary-General in which the two communities and Greece and Turkey would participate represents an effective mechanism for concluding an overall framework agreement;

10. *Also requests* the Secretary-General to submit a full report to the Council on the outcome of his efforts by July 1992 at the latest and to make specific recommendations for overcoming any outstanding difficulty;

11. *Reaffirms* the important mandate entrusted to the United Nations Peace-keeping Force in Cyprus and looks forward to receiving the report on the Force that the Secretary-General proposes to submit in May 1992.

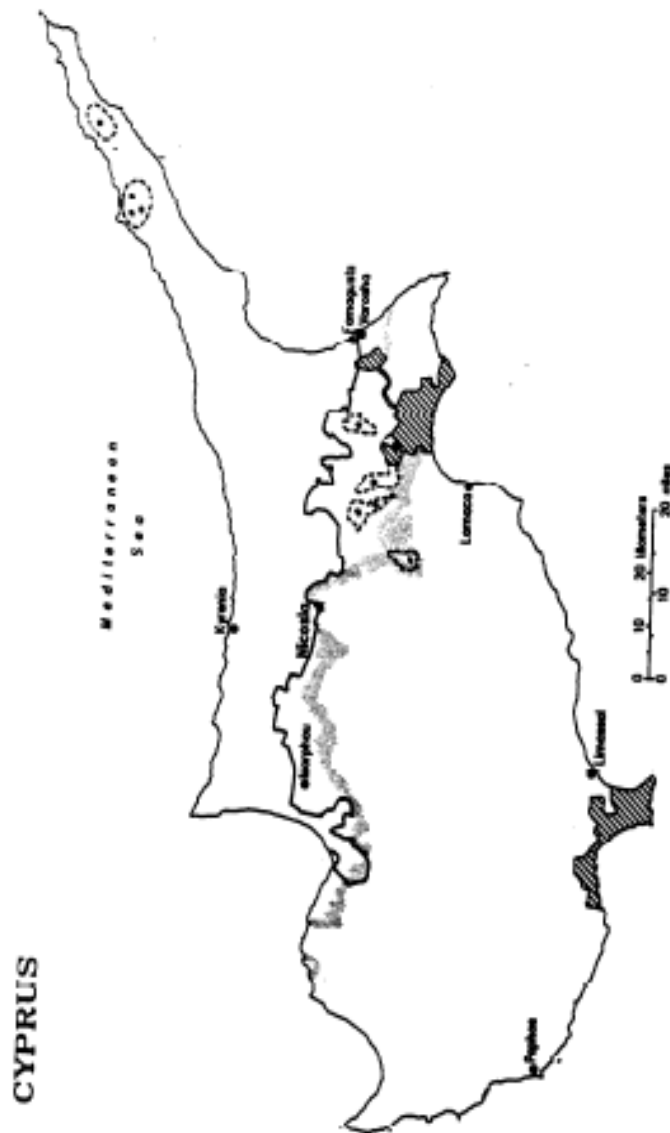
Adopted unanimously at its 3067th meeting

Source:

<http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/011/09/IMG/NR001109.pdf?OpenElement>

APPENDIX 25

Map Proposed by the UN Secretary General in the Set of Ideas, 1992



Source: UN Documents s/24472

APPENDIX 26

Cyprus-EEC Association Agreements 1973

PROTOCOL laying down certain provisions relating to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus consequent on the Accession of new Member States to the European Economic Community

THE COUNCIL OF THE EUROPEAN COMMUNITIES, of the one part,

THE GOVERNMENT OF THE REPUBLIC OF CYPRUS, of the other part,

HAVE DECIDED to determine by mutual agreement certain transitional measures and adaptations to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus signed at Brussels the nineteenth day of December one thousand nine hundred and seventy-two, which are necessary consequent on the Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland to the European Economic Community, and to this end have designated as their Plenipotentiaries:

HAVE AGREED AS FOLLOWS:

TITLE I Measures of adaptation

Article 1

The text of the Agreement and the declarations annexed to the Final Act drawn up in Danish and annexed to this Protocol are authentic in the same way as the original texts.

Article 2

The annual tariff quotas for the Republic of Cyprus in application of Article 2 of Annex I to the Agreement and of the Joint Declaration thereon by the contracting parties shall be increased as follows

TITLE II Transitional measures

Article 3

The Kingdom of Denmark shall apply in respect of the Republic of Cyprus the reductions in customs duties and charges having equivalent effect provided for in Articles 1, 2, 3, 4, 5, 6 and 7 of Annex I to the Agreement and at rates shown therein.

However, the duties thus reduced may in no case be lower than those applied by the Kingdom of Denmark in respect of the Community as originally constituted.

Article 4

1. Ireland and the United Kingdom shall apply to imports originating in Cyprus the customs duties and rules of origin applied in respect of the Republic of Cyprus at the time of entry into force of the Protocol.

This provision shall apply until 30 June 1977.

2. Products originating in Cyprus in respect of which the rates of customs duties and charges having equivalent effect, reduced in accordance with Articles 1, 2, 3, 4, 5, 6 and 7 of Annex I to the Agreement and calculated in accordance with Article 5, are lower than the customs duties and charges having equivalent effect applied by Ireland and the United Kingdom in respect of the Republic of Cyprus at the time of entry into force of the Protocol may be imported into Ireland and the United Kingdom at the reduced rates

of customs duties and charges having equivalent effect set out in the Agreement and under the rules of origin appropriate thereto.

However, the duties thus reduced may in no case be lower than those applied by Ireland and the United Kingdom in respect of the Community as originally constituted.

3. Should the progressive alignment of the Irish and United Kingdom tariffs on the Common Customs Tariff result in the application by Ireland and the United Kingdom as regards Cyprus of customs duties lower than those applied in respect of that State at the time the Protocol enters into force, the first-mentioned customs duties shall be applied.

Article 5

1. The rates on the basis of which the new Member States apply to the Republic of Cyprus the reductions provided for in Articles 3 and 4 (2) shall be those which they apply at the time in respect of third countries.

2. By way of derogation from the provisions of Articles 3 and 4 (2), should the application of these provisions temporarily result in tariff movements away from alignment on the final duty, the new Member States may maintain their duties until the level of these duties has been reached on the occasion of a subsequent alignment, or they may apply the duty resulting from a subsequent alignment as soon as this alignment reaches or passes the said level.

Article 6

Subject to the effect to be given by the Community to Article 39 (5) of the Act concerning the Conditions of Accession and the Adjustments to the Treaties, annexed to the Treaty of Accession, as regards the specific duties or the specific part of the mixed duties of the customs tariffs of Ireland and the United Kingdom, the provisions of Articles 4 and 5 shall be applied by rounding to the fourth place of decimals.

Article 7

Where, for the products listed in Annex I to the Agreement, the new Member States apply duties comprising protective and fiscal elements, only the protective elements of those duties, within the meaning of Article 38 of the Act concerning the Conditions of Accession and the Adjustments to the Treaties, shall be aligned on the preferential duties set out in that Annex and reduced as provided in Articles 3, 4 and 5.

Article 8

1. The minimum price provided for in Article 5 of Annex I to the Agreement shall be calculated in the new Member States by reference to the incidence of the duties which these Member States apply at the time to third countries.

2. The levies, variable components and fixed components, referred to in Annex I to the Agreement shall be calculated in these States by reference to the rates they apply to third countries at the time.

Article 9

The arrangements which the Kingdom of Denmark applies in respect of the Republic of Cyprus, in application of Article 9 of Annex I to the Agreement, may under no circumstances be more favourable than those which it applies in respect of the Community as originally constituted.

Article 10

1. Ireland and the United Kingdom shall apply to imports originating in Cyprus the quantitative restrictions in force in respect of Cyprus at the time of entry into force of this Protocol.

This provision shall apply until 30 June 1977.

2. The arrangements which Ireland and the United Kingdom apply in respect of the Republic of Cyprus may not be less favourable than those provided for in Article 9 of Annex I to the Agreement.

3. However, the quantitative restrictions in force in Ireland which are referred to in Protocols Nos 6 and 7 of the Act concerning the Conditions of Accession and the Adjustments to the Treaties shall be abolished as regards the Republic of Cyprus in accordance with procedures to be determined, account being taken of the provisions of the abovementioned Protocols.

Article 11

Until 31 December 1974, imports into the United Kingdom of the products listed in Annex A and originating in Cyprus may be limited to the following annual quotas: - 1973 : 100 metric tons,

- 1974 : 125 metric tons.

Article 12

The rules applicable under the common agricultural policy to imports of "Cyprus sherry" into the Community are set out in the exchange of letters at Annex B.

Article 13

During the period from 1 January 1974 to 30 June 1977, the Republic of Cyprus shall be entitled to annual tariff quotas, free of customs duties, in respect of imports into the United Kingdom of the following products originating in Cyprus

The annual tariff quota takes into account the traditional United Kingdom imports from Cyprus.

Article 14

The Republic of Cyprus shall apply in respect of the Kingdom of Denmark the reductions in customs duties and charges having equivalent effect provided for in Articles 1, 2, 3 and 4 of Annex II to the Agreement at the rates and in accordance with the timetable set out therein.

Article 15

1. The Republic of Cyprus shall continue to apply to imports originating in Ireland and the United Kingdom the tariff and rules of origin applied prior to the Agreement, without prejudice to the protective clauses of that Agreement.

This provision shall apply until 30 June 1977.

2. Products originating in Ireland and the United Kingdom in respect of which the rates of customs duties and charges having equivalent effect, reduced in accordance with Article 1 of Annex II to the Agreement, are lower than the customs duties and charges having equivalent effect applied by Cyprus at the time of entry into force of this Protocol may be imported into the Republic of Cyprus at the reduced rates of customs duties and charges having equivalent effect in accordance with the timetable set out in the Agreement and under the rules of origin appropriate thereto.

Article 16

1. Until 1 January 1976 as regards the application of Article 1 (1) of the Protocol on the definition of the concept of "originating products" and on methods of administrative cooperation, the condition as regards sufficient working or processing, within the meaning of Article 3 thereof, shall be waived only in respect of products originating, within the meaning of that Protocol, in Cyprus or in the Member States to which Cyprus applies a treatment not less favourable than that applied to products wholly obtained or produced in the exporting Member States where the products were obtained or produced.

During the same period, as regards the application of Article 1 (2) (b) of the abovementioned Protocol, this condition shall be waived only in respect of products originating, within the meaning of that Protocol, in the Member State of destination or in other Member States to which the Member State of destination applies a treatment not less favourable than that applied to products wholly obtained or produced in Cyprus.

2. The amendments to the provisions of the Protocol on the definition of the concept of "originating products" and on methods of administrative cooperation are listed in Annex C.

TITLE III Final provisions

Article 17

This Protocol including Annexes A, B and C thereto form an integral part of the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus.

Article 18

This Protocol shall enter into force on the first day of the month following the date on which the contracting parties notify each other of the completion of the procedures necessary to that end.

Article 19

This Protocol is drawn up in two copies in the Danish, Dutch, English, French, German and Italian languages, each of these texts being authentic.

Source: [http://europa.eu.int/eurlex/lex/Notice.do?val=31915:cs&lang=en&list=31915:cs,
&pos=1&page=1&nbl=1&pgs=10&hwords=&checktexte=checkbox&visu=#texte](http://europa.eu.int/eurlex/lex/Notice.do?val=31915:cs&lang=en&list=31915:cs,&pos=1&page=1&nbl=1&pgs=10&hwords=&checktexte=checkbox&visu=#texte)

APPENDIX 27

European Commission: "Agenda 2000" July 15,1997

IV. CYPRUS

In July 1993 the Commission delivered a favourable opinion on Cyprus's application for membership. The European Council subsequently reaffirmed on several occasions, most recently at Florence in June 1996, that accession negotiations with Cyprus should start six months after the conclusion of the IGC.

1. ECONOMIC DEVELOPMENT

In its 1993 opinion the commission noted the Republic of Cyprus's advanced level of development and economic dynamism. This still holds good with full employment (2.5% jobless rate), moderate inflation (3%) and public debt standing at 53% of GNP in 1996. The southern part of the island should not encounter any major problems in adopting the *acquis communautaire* or in coping with competition inside the EU. However, there is a need to align regulations and practices in the financial sector more fully with those which apply in the union and to reinforce co-operation and controls in all areas of justice and home affairs.

In northern Cyprus the trends observed by the Commission in 1993 remain unchanged. Average income per capita is about ECU 3 600 per annum, one third of that of the southern part of the island. The economy is becoming increasingly dependent on the public sector, which ultimately means financial transfers from Turkey. Investments remain low despite its human and natural resources.

2. PROSPECTS FOR A POLITICAL SETTLEMENT

The 1993 Opinion noted the continuing division of Cyprus. Efforts since then, chiefly under UN auspices, to work towards a political settlement, in accordance with various UN proposals, have not achieved much progress. The UN conducted intensive contacts with the leaders of the two communities during the first half of 1997 which have now led to face to face talks between them under UN auspices. There is a chance to make progress before the Presidential elections due in Cyprus in February 1998.

The shape of a settlement, establishing a bicomunal and bizonal federation, is well established, and supported by the Union. A number of options for constitutional and territorial arrangements to implement it have been explored, and the beginnings of a possible consensus have sometimes been discernible. But there has not hitherto been sufficient incentive for the two communities to reach agreement.

The Union is determined to play a positive role in bringing about a just and lasting settlement in accordance with the relevant United Nations Resolutions. The status quo which is at odds with international law, threatens the stability of the island, the region and has implications for the security of Europe as a whole. The Union cannot, and does not wish to, interfere in the institutional arrangements to be agreed between the parties. But it is available to advise on the compatibility of such arrangements with the *acquis* of the Union. The prospect of accession, whose political and economic advantages are now becoming clear to Turkish Cypriots as well as to Greek Cypriots, can in itself provide such an incentive.

3. RELATIONS WITH THE EUROPEAN UNION

The timetable agreed for accession negotiations to start with Cyprus means that they could start before a political settlement is reached. The Union shares the view expressed by the UN Secretary General, that the decision to open negotiations should be seen as a positive development which could promote the search for a political settlement.

Negotiations on accession would be facilitated if sufficient progress is made between the parties in contacts this year under the auspices of the United Nations to allow representatives of the Turkish Cypriot community to be involved in the accession process. Agreement on a political settlement would permit a faster conclusion to the negotiations. If progress towards a settlement is not made before the negotiations are due to begin, they should be opened with the government of the Republic of Cyprus, as the only authority recognised by international law.

VII. FINAL RECOMMENDATIONS

1. The Commission invites the Council to endorse the approach to the challenge of enlargement set out in this communication.

Enlargement, as the Amsterdam European Council indicated, is an inclusive process embracing all of the applicant countries. The overall process includes the opening of accession negotiations with individual countries, according to the stage which each has reached in satisfying the basic conditions of membership and in preparing for accession; and an accompanying framework which consists of the reinforcement of the pre-accession strategy for countries of Central and Eastern Europe, as well as the creation of a multilateral forum of cooperation in the form of a European Conference.

2. As regards the opening of accession negotiations, the European Council has already concluded that they should commence with Cyprus six months after the end of the Intergovernmental Conference.

3. Concerning the countries of Central and Eastern Europe, the Commission has now presented in its Opinions an objective analysis, in the light of the criteria laid down by the Copenhagen European Council. The Commission considers that none of them fully satisfy all the criteria at the present time. However, nine countries satisfy the political conditions, while certain countries have made sufficient progress towards satisfying the economic conditions and those related to the other obligations of membership.

In the light of its analysis, and in accordance with their respective merits, the Commission considers that Hungary, Poland, Estonia, the Czech Republic and Slovenia could be in a position to satisfy all the conditions of membership in the medium term if they maintain and strongly sustain their efforts of preparation.

The Commission underlines that a decision to open accession negotiations simultaneously with the countries mentioned does not imply that negotiations will be concluded simultaneously. The timing of the conclusions of accession negotiations will depend in large part on the accomplishment of the further efforts required from each applicant country in the respective opinions.

Source: http://kypros.org/CY-EU/eng/07_documents/document003.htm

APPENDIX 28

Luxembourg European Council extracts from the Presidency Conclusions 13th December 1997

Presidency Conclusions

Introduction

The European Council meeting in Luxembourg on 12 and 13 December 1997 marks a moment of historic significance for the future of the Union and of Europe as a whole. With the launch of the enlargement process we see the dawn of a new era, finally putting an end to the divisions of the past. Extending the European integration model to encompass the whole of the continent is a pledge of future stability and prosperity.

At the same time as launching the enlargement process, the European Council has embarked upon a comprehensive study of the development of the Union and its policies so that it can make a fitting response to the challenges coming up after the year 2000. The Union will thus have a clear and coherent vision with which to take on the next century and face up to enlargement.

(....)

The process of accession and negotiation

10. The European Council has considered the current situation in each of the eleven applicant States on the basis of the Commission's opinions and the Presidency's report to the Council. In the light of its discussions, it has decided to launch an accession process comprising the ten Central and East European applicant States and Cyprus. This accession process will form part of the implementation of article 0 of the Treaty on European Union. The European Council points out that all these States are destined to join the European Union on the basis of the same criteria and that they are participating in the accession process on an equal footing. This process, which will be evolutive and inclusive, will comprise the following elements.

a. The framework

11. The Accession process will be launched on 30 March 1998 by a meeting of the Ministers for Foreign Affairs of the fifteen Member States of the European Union, the ten Central and East European applicant States and Cyprus. A single framework for these applicant countries will be established.

12. The Ministers for Foreign Affairs of the fifteen members of the European Union will meet their opposite numbers from the ten Central and East European applicant States and Cyprus as the need arises. Technical ministerial meetings could also be envisaged, bearing in mind experience with the structured dialogue.

(....)

22. A specific pre-accession strategy for Cyprus will be based on:

- participation in certain targeted projects, in particular to boost judicial and administrative capacity and projects in the field of justice and home affairs;
- participation in certain Community programmes and agencies (as in the approach followed for the other applicant States);
- use of technical assistance provided by TAIEX (Technical Assistance Information Exchange Office).

c. Commission opinions and accession negotiations

23. The Commission's opinions on the applicant States constitute a sound overall analysis of each applicant State's situation in the light of the membership criteria set by the Copenhagen European Council. The prospect of membership is a unique incentive to

the applicants to speed up the implementation of policies which comply with the Union acquis. Incorporation of the acquis into legislation is necessary, but is not in itself sufficient; it will also be necessary to ensure that it is actually applied.

24. The European Council noted the link between the applicant States' ongoing efforts in that direction in sectoral policies, in particular the internal market and related policies, and the harmonious operation of Community policies after accession.

25. Compliance with the Copenhagen political criteria is a prerequisite for the opening of any accession negotiations. Economic criteria and the ability to fulfil the obligations arising from membership have been and must be assessed in a forward-looking, dynamic way.

26. The decision to enter into negotiations does not imply that they will be successfully concluded at the same time. Their conclusion and the subsequent accession of the different applicant States will depend on the extent to which each complies with the Copenhagen criteria and on the Union's ability to assimilate new members.

27. The European Council has decided to convene bilateral intergovernmental conferences in the spring of 1998 to begin negotiations with Cyprus, Hungary, Poland, Estonia, the Czech Republic and Slovenia on the conditions for their entry into the Union and the ensuring Treaty adjustments. These negotiations will be based on the general negotiating Treaty adjustments. These negotiations will be based on the general negotiating framework acknowledged by the Council on 8 December 1997.

At the same time as the above, the preparation of negotiations with Romania, Slovakia, Latvia, Lithuania and Bulgaria will be speeded up in particular through an analytical examination of the Union acquis. This preparation may also be discussed at ministerial - level bilateral meetings with the Member States of the Union.

28. The accession of Cyprus should benefit all communities and help to bring about civil peace and reconciliation. The accession negotiations will contribute positively to the search for a political solution to the Cyprus problem through the talks under the aegis of the United Nations which must continue with a view to creating a bi-community, bi-zonal federation. In this context, the European Council requests that the willingness of the Government of Cyprus to include representatives of the Turkish Cypriot community in the accession negotiating delegation be acted upon. In order for this request to be acted upon, the necessary contacts will be undertaken by the Presidency and the Commission.

d. Review procedure

29. From the end of 1998, the Commission will make regular reports to the Council, together with any necessary recommendations for opening bilateral intergovernmental conferences, reviewing the progress of each Central and East European applicant State towards accession in the light of the Copenhagen criteria, in particular the rate at which it is adopting the Union acquis. Prior to those reports, implementation of the accession partnerships and progress in adopting the acquis will be examined with each applicant State in the Europe Agreement bodies. The Commission's reports will serve as a basis for taking, in the Council context, the necessary decisions on the conduct of the accession negotiations or their extension to other applicants. In that context, the Commission will continue to follow the method adopted by Agenda 2000 in evaluating applicant States' ability to meet the economic criteria and fulfil the obligations deriving from accession.

30. A dynamic approach should be maintained in assessing the progress made by applicant States in the regular reports which the Commission will submit to the Council.

A. European strategy for Turkey

31. The Council confirms Turkey's eligibility for accession to the European Union. Turkey will be judged on the basis of the same criteria as the other applicant States. While the political and economic conditions allowing accession negotiations to envisaged are not satisfied, the European Council considers that it is nevertheless

important for a strategy to be drawn up to prepare Turkey for accession by bringing it closer to the European Union in every field.

32. This strategy should consist in:

- development of the possibilities afforded by the Ankara Agreement;
- intensification of the Customs Union;
- implementation of financial cooperation;
- approximation of laws and adoption of the Union *acquis*.
- participation, to be decided case by case, in certain programmes and in certain agencies provided for in paragraphs 19 and 21.

33. The strategy will be reviewed by the Association Council in particular on the basis of Article 28 of the Association Agreement in the light of the Copenhagen criteria and the Council's position of 29 April 1997.

34. In addition, participation in the European Conference will enable the Member States of the European Union and Turkey to step up their dialogue and cooperation in areas of common interest.

35. The European Council recalls that strengthening Turkey's links with the European Union also depends on that country's pursuit of the political and economic reforms on which it has embarked, including the alignment of human rights standards and practices on those in force in the European Union; respect for and protection of minorities; the establishment of satisfactory and stable relations between Greece and Turkey; the settlement of disputes, in particular by legal process, including the International Court of Justice; and support for negotiations under the aegis of the UN on a political settlement in Cyprus on the basis of the relevant UN Security Council Resolutions.

36. The European Council endorses the guidelines that emerged from the General Affairs Council of 24 November 1997 on future relations between the Union and Turkey and asks the Commission to submit suitable proposals.

Source: http://kypros.org/CY-EU/eng/07_documents/document004.htm

APPENDIX 29

Resolution by the Turkish Grand National Assembly, January 21, 1997

The Turkish Grand National Assembly,

Declaring that it adopts and endorses the Joint Declaration signed by the President of the Republic of Turkey H.E. Mr. Süleyman Demirel and the President of the Turkish Republic of Northern Cyprus H.E. Mr. Rauf R. Denktaş, in Ankara, on 20 January 1997.

Welcoming with appreciation and respect, the address made today by the President of the Turkish Republic of Northern Cyprus H.E. Mr. Rauf R. Denktaş, to the Plenary Session of the Turkish Grand National Assembly,

Has resolved to announce the following to Turkish and international public opinion:

1. The continuing intensive military build-up by the Greek Cypriot side, pursued with the encouragement and support of Greece, has reached a new dimension with the protocol concerning the deployment of Russian missiles on the Island. It is not possible to tolerate the conduct and behavior of the Greek/Greek Cypriot side, aimed at threatening the Turkish Republic of Northern Cyprus and Turkey.

2. The guarantee system established by the 1960 Treaties of Guarantee and of Alliance, continue to remain in full force as hitherto. Any modification of these Treaties directly or indirectly which would upset the existing balance in Cyprus and in the region between Turkey and Greece will not be allowed.

3. The Republic of Turkey will continue to exercise its effective guarantee in Cyprus. Any aggression against the Turkish Republic of Northern Cyprus will be considered as an aggression against the Republic of Turkey.

4. The unilateral application of the Greek Cypriot administration for membership in the European Union is contrary to the 1960 Treaties. The realization of such membership will only pave the way to the division of Cyprus and the responsibility will belong to the European Union.

5. The embargo and double standard applied towards the Turkish Republic of Northern Cyprus can in no way be accepted.

6. Turkey will continue to provide the necessary support to overcome the economic problems of the TRNC and to strengthen its economic infrastructure.

7. The Turkish Grand National Assembly believes that the Cyprus issue can be solved not through rearmament efforts and use of force but by respecting the rights of the two peoples living on the Island to establish their own administration through their own true will.

Experience has shown that outside interventions make a solution more difficult.

The world must know the fact that the Turkish Grand National Assembly and the Turkish Nation are in full unity on this national cause.

Source:

<http://www.mfa.gov.tr/MFA/ForeignPolicy/MainIssues/Cyprus/Resolution+By+The+Turkish+Grand+National+Assembly.htm>

APPENDIX 30

Agreement Between the Government of the Republic of Turkey and the Government of the TRNC, August 6, 1997

In line with the objective of achieving integration between the two countries in the economic and financial fields as well as achieving partial integration in matters of security, defense and foreign affairs, on the basis of association, which found expression in the Joint Declaration of 20 January, 1997 and 20 July, 1997, respectively, the Government of the Republic of Turkey and the Turkish Republic of Northern Cyprus agree on the following:

Article I

An Association Council shall be established between the Republic of Turkey and the Turkish Republic of Northern Cyprus.

Article II

The Association Council shall determine the measures to be taken with the aim of achieving integration between the two countries in the economic and financial fields and achieving partial integration in matters of security, defence and foreign affairs, on the basis of association, shall recommend the implementation of these measures to their Governments and shall monitor their implementations.

Article III

The Association Council shall take its decisions, which shall be of an advisory nature, by concurrence.

Article IV

The Association Council shall be composed of five members to be appointed by the Government of the Republic of Turkey and five members by the Government of the Turkish Republic of Northern Cyprus, and five members from the Grand National Assembly of the Republic of Turkey and five members from the Legislative Assembly of the Turkish Republic of Northern Cyprus.

Article V

Depending on the nature of the subjects to be taken up, appropriate experts may also take part in the meetings of the Association Council.

Article VI

Unless decided otherwise, the Association Council shall meet at least once every six months.

Article VII

The Association Council shall have the power to establish such sub-committees that it deems necessary.

Article VIII

If the Association Council deems it necessary, it may also hold meetings at the level of experts.

Article IX

The governments of the two countries shall determine which government members will take part in the meetings of the Association Council. The members of parliament who will take part shall be determined by the Assembly Presidency of the two countries.

Article X

The Association Council shall hold its meetings in Turkey and the Turkish Republic of Northern Cyprus on a rotation basis. The Presidency of the Council shall also

rotate between Turkey and the Turkish Republic of Northern Cyprus on a six-monthly basis.

Article XI

The chairman of the meetings shall determine the agenda of the meetings of the Association Council; notify the other side 15 days in advance; prepare the minutes of the meetings; and transmit them to the other side.

Article XII

The Ministry of Foreign Affairs of the Republic of Turkey and the Ministry of Foreign Affairs and Defence of the Turkish Republic of Northern Cyprus shall provide the Secretariat services at the meetings of the Association Council.

This Agreement shall enter into force upon the completion of the ratification process and exchange of the documents of ratification.

The original of this agreement was signed in Turkish in Lefkoşa on 6 August, 1997.

Source:

<http://www.mfa.gov.tr/NR/exeres/D921A073-C338-4F00-BC98-47CE084E57C3.htm>

APPENDIX 31

Resolution Adopted by the Legislative Assembly of the TRNC, March 9, 1998

The Legislative Assembly of the Turkish Republic of Northern Cyprus with the aim of maintaining peace and stability in Cyprus and in the region, resolves to draw the attention of the international community to the foregoing points.

The partnership Republic established in Cyprus in 1960, based on the existence of two equal peoples with separate rights to self-determination, was destroyed in 1963 by force of arms by the Greek Cypriot partner of the Republic in order to convert it into a Greek Cypriot Republic. Since that date, there has not been a joint administration with the right or the authority to represent both peoples or the island as a whole and the legitimacy of the Republic of Cyprus has ceased to exist. The Turkish Cypriot people have ruled themselves since 1963 and protected their basic rights and status; their political equality; their rights to self-determination and sovereignty, provided for by international Treaties as well as the Treaty rights and obligations of motherland Turkey together with the Turkish-Greek balance thus created over Cyprus; as the basic elements of their existence.

The 1960 partnership Republic was destroyed by force of arms by the Greek Cypriot side in 1963. The Turkish Cypriot side which was forcefully ejected from the government, the state authority and the parliament, never recognized the illegal writ of the Greek Cypriot side which had usurped the title of "the government of Cyprus" and, first set up its own administration, and subsequently established the Turkish Republic of Northern Cyprus based on the sovereign will of the Turkish Cypriot people. In South Cyprus, a Greek Cypriot administration exists. The attempts of this administration, to usurp the title and status of the partnership it has destroyed and to act on behalf of the whole of Cyprus do not confer legitimacy upon it. Indeed, just as the said administration has no right to apply for membership, on behalf of the Turkish Cypriot people or the whole of Cyprus, to the European Union or to any other international union or organization or to enter into agreements binding the Turkish Cypriots, the acceptance as legitimate and the processing of such an application and the resulting agreements are totally unacceptable. Furthermore, in accordance with the 1960 Agreements, Cyprus cannot join, in whole or in part, any international union or organization in which Turkey and Greece are not both members. Therefore, the TRNC will not, under any circumstances, take part in the membership process the EU commenced with the Greek Cypriot administration.

The Turkish Cypriot side is determined to show every effort towards establishing and maintaining a peaceful relationship between the two peoples and states in Cyprus. However, the policies pursued by Greece and the Greek Cypriot administration prevent the realization of such a relationship. In fact, the furthering of the unilateral EU membership process by the Greek Cypriot administration contrary to the internal and the external balance created by the 1960 Agreements and accepted as a basic principle in the UN negotiating process, and its massive militarization campaign carried out under the pretext of strategic cooperation with Greece, coupled with the deployment of S-300 missiles and the opening of a military airbase for Greece in South Cyprus, stand testimony to the adventurous policies of the joint Greek-Greek Cypriot front. The decision of the EU taken at its Luxembourg Summit not only encourages these adventurous Greek-Greek Cypriot policies threatening peace and stability in the region, but has made the framework and the parameters for a solution in Cyprus, established through the negotiating process,

totally inapplicable. Thus, the EU Luxembourg decision has created an environment which can easily lead to a new crisis in Cyprus.

Furthermore, the decision of the EU Luxembourg Summit to further the unilateral Greek Cypriot membership process and to exclude guarantor Turkey from the EU expansion process constitutes a historic error which not only denies the Turkish-Greek balance provided for by the 1960 Treaties but contradicts the rule of law and the relevant international agreements.

The Turkish Republic of Northern Cyprus, with its democratic system, Legislative Assembly, government and independent judicial organs is an undeniable fact. The recognition or the non-recognition of this state does not change this reality. Denying this reality, on the other hand, does not serve the efforts for a peaceful solution in the island. It is imperative, therefore, that any future phase of negotiations be based on the reality of the existence of two states in Cyprus and the grave mistake of treating the Greek Cypriot administration as the government of the Turkish Cypriot people be stopped.

In the light of the situation that has arisen, the Turkish Republic of Northern Cyprus in cooperation with motherland Turkey, will act within the framework of the 20 January 1997 Joint Declaration and 20 July 1997 Joint Statement and take the steps it deems necessary in all fields to protect the sovereign equality and the rights and freedoms of the Turkish Cypriot people, to overcome the inhuman embargoes imposed on the TRNC and to provide for its economic development and prosperity.

The Turkish Cypriot people have always been for the establishment of relations based on peace, stability, mutual respect and cooperation. In the same understanding, the Turkish Cypriot people believe that the negotiations that might be conducted between the two peoples and states in Cyprus can be aimed at the maintenance of peace and the solution of the basic issues.

Source:

<http://www.mfa.gov.tr/MFA/ForeignPolicy/MainIssues/Cyprus/Resolution+Adopted+By+The+Legislative+Assembly+of++The+TRNC+March+9+1998.htm>

APPENDIX 32

Joint Declaration, 23 April, 1998

Upon the invitation of H.E. Süleyman Demirel, President of the Republic of Turkey, H.E. Rauf R. Denktaş, President of the Turkish Republic of Northern Cyprus, has paid an official visit on 22-24 April 1998.

During this visit, the Presidents of the Republic of Turkey and the Turkish Republic of Northern Cyprus;

Recalling the Joint Declaration they issued on 20 January 1997;

Reaffirming their desire and determination to develop the relations between Turkey and the Turkish Republic of Northern Cyprus in all fields, in the context of closest solidarity and cooperation,

Have exchanged views regarding the current situation and the latest developments in Cyprus, and on how to further deepen and develop the relations between Turkey and the Turkish Republic of Northern Cyprus, and have announced the following common views and decisions:

1. To this day, Turkey and the Turkish Republic of Northern Cyprus have shown every constructive effort in order to find a peaceful and lasting solution to the Cyprus question. By contrast, the Greek Cypriot administration of Southern Cyprus, with the encouragement of Greece, has never abandoned its objective of converting Cyprus into a Hellenic island and, by exploiting, in the international arena, the status it has unjustly usurped has undermined all processes and proposals for a solution. With the integration process it has put into practice with the Greek Cypriot administration of Southern Cyprus in the military, economic and political fields, Greece is blocking efforts for a political solution.

2. By deciding to open accession negotiations with the Greek Cypriot administration of Southern Cyprus, the EU has disregarded international law and the 1959-60 Agreements on Cyprus, and has dealt a blow to the efforts for a solution. In any event, the accession negotiations that the Greek Cypriot side will conduct in contravention of international law cannot create obligations for the Turkish Republic of Northern Cyprus, and will not, in any way, affect the rights and obligations of Turkey arising from the 1959-60 Agreements.

3. By opening accession negotiations with the Greek Cypriot administration, acting on behalf of "the whole Cyprus", the EU has demonstrated that it totally ignores the balance between the two peoples in Cyprus and between Turkey and Greece, which have been guaranteed by the Agreements of 1959-60. It has also destroyed the parameters for a solution established during the Cyprus negotiating process. By continuing its mentality and approach of attempting to ascribe minority status to the Turkish Cypriot people, the EU has turned the Luxembourg Summit into a historic mistake.

4. As one of the two co-owners of the island of Cyprus and based on their separate right to self determination, the Turkish Cypriot people became the co-founder partner of the 1960 Republic of Cyprus. After the destruction of this Republic by the Greek Cypriot side in 1963, the Turkish Cypriot people have never recognized the "Cyprus Government" title that the Greek Cypriot administration of Southern Cyprus had illegally usurped and established their own administration and subsequently their own state through their sovereign will.

5. After the Luxembourg Summit, participation of the Turkish Cypriot side in any negotiation process as a "community", or its taking part in the Greek Cypriot delegation

which is conducting accession negotiations with the EU, will amount to the abandonment of its equal political status and sovereignty rights emanating from the 1959-60 Agreements.

6. At the current stage, any negotiation process aimed at finding a solution to the Cyprus question can have a chance of success, only if it is conducted between two sovereign equals. Today, there are two separate equal peoples, states and democratic governments in Cyprus. As long as these realities in Cyprus and the sovereignty rights of the Turkish Cypriot people are not accepted, no lasting solution can be found. The two equal sides must first resolve the fundamental issues between them, and create the conditions of living side by side in the island in peace and stability.

7. Turkey has rights and responsibilities over Cyprus emanating from international agreements. Turkey, in line with its strategic interests, has always been a guarantee for peace and stability in Cyprus and the eastern Mediterranean. The 1960 Treaties of Guarantee and of Alliance will continue to be valid and in force under all circumstances; the erosion of these agreements, either directly or indirectly, will not be allowed. The Turkish-Greek balance established by the 1960 Agreements over Cyprus and in the region will be protected.

8. In line with the above mentioned principles, the parties have declared that they will evaluate and support any constructive efforts for a solution which keep in mind these realities pertaining to Cyprus. Turkey and the TRNC have made it known that they are open to substantive and meaningful negotiations which will be started on these basis.

9. In the context of its "joint military doctrine" with Greece, the Greek Cypriot administration is continuing its heavy and high technology weapons purchases. The activity concerning the deployment of the S-300 missile system in Southern Cyprus is under way. The construction of the Paphos Air force base allocated to Greece's fighter planes has been completed. Those responsible for the escalation of tension in Cyprus and the Eastern Mediterranean are Greece and the Greek Cypriot administration. Turkey and the Turkish Republic of Northern Cyprus, without departing from a sense of responsibility and reason, are taking the necessary measures in order to protect the balance in Cyprus and the eastern Mediterranean and to render ineffective all policies threatening peace. The parties have already demonstrated their determination in this regard through the Joint Declaration of 20 January 1997, signed between the Presidents of the Republic of Turkey and the Turkish Republic of Northern Cyprus.

All steps taken by the Greek Cypriot side and Greece aimed at upsetting the peace and stability in the region will be evaluated on the basis of the threat that they are creating; the use of these developments for bargaining purposes at the political level will not be allowed.

10. The continuation of the existence of the Turkish Republic of Northern Cyprus as an independent and sovereign state is fundamental. To this end, the ties between Turkey and the Turkish Republic of Northern Cyprus will be strengthened and the special relations which have been established in all fields will be deepened within the framework of the Joint Declarations of 20 January 1997 and the Joint Statement of 20 July 1997. In this direction, the work of the Association Council between Turkey and the Turkish Republic of Northern Cyprus, which has been started, will be advanced further.

11. In line with the joint economic area that has been created between the two countries, and in accordance with the conditions of free trade, common economic and financial policies based on the free circulation of goods, services and capital, and the flow of investment, as well as strategies on development and economic expansion, will speedily be put into practice.

12. The parties will continue to expand their joint efforts in order to strengthen the standing of the Turkish Republic of Northern Cyprus on the international platform.

13. In the resolve and determination to protect the common interests of both countries, contacts at all levels will be increased and intensified. The President of the

Turkish Republic of Northern Cyprus, H.E. Mr.Rauf Denktaş, has invited H.E. President Süleyman Demirel to pay an official visit to the Turkish Republic of Northern Cyprus. The invitation has been accepted.

Source:

<http://www.mfa.gov.tr/MFA/ForeignPolicy/MainIssues/Cyprus/Joint+Declaration+Unofficial+Translation+23+April+1998.htm>

APPENDIX 33

Basic Parameters and Principles of a Final Settlement in Cyprus Document Given by President Denktas to the UN Secretary-General During Their Meeting in Geneva, March 23, 1998

The starting point will be the acknowledgment of the existence of two sovereign and equal states.

·The inhuman embargoes imposed on the Turkish Cypriot people should be removed.

·The objective will be to establish a new relationship based on mutual respect and cooperation that will enable the two peoples to co-exist in peace and harmony.

·Settlement will be freely negotiated by the two states under the mission of good offices of the UN Secretary-General.

·A working relationship should be established between the two states which will enable them to resolve certain basic matters, specifically.

· the final settlement of reciprocal property claims,

·security issues

·delineation of borders

·This will bring about a new platform which will enable the two peoples and their respective states to co-exist peacefully without claims against one another.

·This will also create an environment in which the two sides can work out mutual cooperation and coordination on which a common future can be built.

·The Guarantee system of 1960 shall continue.

·EU membership of Cyprus will be entertained after a settlement and simultaneously with Turkey.

·The settlement will maintain the internal balance between the two peoples in the island and the external between Turkey and Greece in the Eastern Mediterranean.

TALKING POINTS

·I come to this meeting, Mr. Secretary-General, with the hope and expectation that we will benefit from your wisdom, creativity and vast experience to rethink the 35 year old Cyprus conflict.

·We firmly believe that the UN offers the best venue through which the Cyprus question can be most successfully handled. We are of the view that any resolution in Cyprus can only be based on the existing realities and the equal status of the two peoples.

·The time has come to recognize the fact that the Greek Cypriot administration does not have the legal and moral right to determine the future of the whole island and of the Turkish Cypriot people. It is, thus, necessary for the success of our efforts, to adopt a new approach to the Cyprus question which will reflect these facts.

·The lack of political parity and symmetry between the two sides in Cyprus is preventing progress. I wish to share with you, candidly, our assessment that the role of the UN in Cyprus, both in peacekeeping and the Secretary-General's good offices mission has, so far, unfortunately, helped and consolidated this political disparity and asymmetry. We believe that this new approach will greatly facilitate the UN efforts for a lasting settlement.

·The intervention of the European Union which was instigated by Greece and the Greek Cypriot side, reached a climax at the Luxembourg Summit held in December 1997,

and introduced elements which diametrically contradict the parameters of the UN process, thus further complicating the already complex Cyprus conflict.

·Furthermore, the establishment of a unified military front between Greece and the Greek Cypriot administration including the opening of the Paphos airbase and the prospective deployment of sophisticated S-300 missiles, within the context of the so called Joint Military Doctrine, promise nothing but further crisis.

·In shaping our future, the basic requirement is realism. In view of the prevailing realities, the two states should work out an arrangement which would enable them to resolve, in the first instance, the following three major issues in order to co-exist peacefully in the island and promote trust and cooperation between the two peoples:

- settlement of reciprocal property claims,
- security,
- delineation of borders.

·We have come to the conclusion that the acknowledgment of the existence of two fully functioning democratic states in the island, each with its own people, territory and effective government will open the way to the resolution of these three issues and the development of a new and cooperative relationship between the two states for the achievement of a final settlement. Furthermore, the inhuman embargoes imposed on the Turkish Cypriot people should be removed.

·I need to stress again that the present system of guarantees must continue and the final settlement must maintain the internal balance between the two peoples in the island and the external balance between Turkey and Greece in the Eastern Mediterranean.

·We are confident that the new platform will create a new environment in which the two sides can work towards a common future based on cooperation, mutual trust and respect.

·The primary aim should, therefore, be the immediate achievement of a working relationship between the two states so that peace, stability and mutual trust can be secured and the danger of a new conflict is averted. In my letter of 5 March 1998 to Mr. Clerides, I have not only stated the foregoing but have also invited him to make together, in good faith, a new beginning on the basis of these realities.

·Our firm belief is that, all concerned would have to adapt and realign their current position to help the process forward. In this connection, I hope you will agree that it is necessary to consider adjusting the role of UNFICYP and the good offices mission to the realities appertaining to Cyprus specially after the interventions of Greece and the European Union which have completely destroyed political parity and symmetry necessary for a solution of the conflict. This will enable us to make progress on the right track.

·We have taken up all these points with your Special Adviser Ambassador Diego Cordovez. I feel confident that before Your Excellency decides what action to take you will consider the foregoing in depth, in conjunction with the long suffering of my people because of the injustices and obstacles which have resulted in the continuing political disparity and asymmetry, and will make the most of this opportunity in order to urge the Greek Cypriot side to appreciate the need for a settlement, thus, enabling you to help us make progress.

·In conclusion, I would like to confirm that I am ready to work with Your Excellency for a Cyprus settlement and a peaceful future on the basis of these realities.

Source:

<http://www.trncinfo.com/TANITMADAIRESI/2002/ENGLISH/DOCUMENTS/15.htm>

APPENDIX 34

Call for Peace from the Turkish Side: Denktaş Proposes Confederation in Cyprus, August 31, 1998

Mr. Denktaş, President of the TRNC, made a peace call to the Greek Cypriot side and proposed "to establish together a Confederation in Cyprus".

Turkish Foreign Minister, Mr. İsmail Cem, who was present at the press conference held by President Denktaş this morning, said "My presence here is the expression of the Turkish Government's support and trust for President Denktaş."

President Denktaş's five point proposal is as follows:

PROPOSAL FOR A LASTING SOLUTION IN CYPRUS

As a final effort to achieve a mutually acceptable lasting solution in Cyprus I propose the establishment of the Cyprus Confederation based on the following arrangements:

1. A special relationship between Turkey and TRNC on the basis of agreements to be concluded.
2. A similar special relationship between Greece and the Greek Cypriot Administration on the basis of symmetrical agreements to be concluded.
3. Establishment of a Cyprus Confederation between TRNC and GCA.
4. The 1960 guarantee system shall continue.
5. The Cyprus Confederation may, if both parties jointly agree, pursue a policy of accession to the EU. Until Turkey's full membership to the EU, a special arrangement will provide Turkey with the full rights and obligations of an EU member with regard to the Cyprus Confederation.

The ultimate aim of the negotiations will thus be a partnership settlement which will be a confederated structure composed of two peoples and of two states of the island supported by symmetrical agreements with the two respective motherlands and guarantor states. All rights and powers which are not referred to the confederal entity will reside with the two confederated states. Any agreement to be reached as a result of the negotiations will be submitted for approval in separate referenda.

By participating in these negotiations the parties will acknowledge that the Greek and Turkish Cypriot sides are two sovereign and equal states, each with its own functioning democratic institutions and jurisdiction, reflecting the political equality and will of their respective peoples. They will also acknowledge that the authorities of one party do not represent the other.

We believe that only this structure

- a) will provide for the security of both sides,
- b) will safeguard their identity and well being.

If the Greek Cypriots agree to this final basis, we are ready to begin negotiations to establish the Cyprus Confederation."

Source:

<http://www.mfa.gov.tr/MFA/ForeignPolicy/MainIssues/Cyprus/Call+for+peace+from+the+Turkish+side+31+August+1998.htm>

APPENDIX 35

Turkey-TRNC Joint Declaration, July 20, 1999

At the invitation of H.E.Rauf R.Denktaş, President of the Turkish Republic of Northern Cyprus, H.E.Mr.Bülent Ecevit, Prime Minister of the Republic of Turkey, paid an official visit to the Turkish Republic of Northern Cyprus on 20 July 1999.

Prime Minister Bülent Ecevit was accompanied by Deputy Prime Minister and Minister of Energy and Natural Resources Mr.Cumhur Ersümer, Minister of Foreign Affairs Mr.İsmail Cem, Minister of State Mr.Şükrü S.Gürel, Minister of State Prof.Dr.Tunca Toskay Minister of State Mr.Hasan Gemici, Minister of National Defence Mr.Sabahattin Çakmakoğlu, Minister of Tourism Mr.Erkan Mumcu, Undersecretary of the Ministry of Foreign Affairs Ambassador Mr.Korkmaz Haktanır and Deputy Undersecretary of Prime Ministry Mr.Selçuk Polat.

Prime Minister Bülent Ecevit and the accompanying high-level delegation attended, on 20 July 1999, Celebrations of the 25th Anniversary of Peace and Freedom Day.

During this visit, Prime Minister Bülent Ecevit held consultations with President Rauf R.Denktaş, Prime Minister Dr.Derviş Eroğlu and members of the Government of the Turkish Republic of Northern Cyprus. During these consultations, the parties;

Reaffirming the contents of their Joint Declarations of 20 January 1997, 20 July 1997 and 23 April 1998;

Reiterating their mutual desire and determination to develop and deepen the relations between the two countries in every field; and

Having reviewed the current situation in the light of the statement by the G-8 countries at their Summit in Cologne; the United Nations Secretary-General's report on his mission of good offices; and the UN Security Council resolution 1250, deemed it useful to make the following common views and decisions known to the public:

- Today is the 25th Anniversary of a day which marks the end of a dark period of suffering for the Turkish Cypriot people.

- The Turkish Cypriot people, who, through great sacrifice, have reached the present day, fully appreciate the value of living under the roof of their own independent and sovereign State, enjoying the right to determine their own future. We commemorate, with respect, our Martyrs, who have sacrificed their lives to this end, and extend our gratitude to our veterans.

- There will never be a return to those dark days and there is no question of tolerating any fait accompli which would leave the door open to such a development. All such aspirations should be abandoned.

- Turkey and the Turkish Republic of Northern Cyprus expect that their sensitivity and determination in this respect are recognized by all and, unlike in the past, their views are carefully taken into account.

- It is of vital importance that both for the security and well-being of the two peoples of the island as well as for the stability of the Eastern Mediterranean, the prevailing peace in Cyprus is not disrupted.

- The way to ensure this is to recognize the realities and to achieve a peace agreement between the Turkish Cypriot state in the North and the Greek Cypriot state in the South.

- The 36 years old chain of injustice against the Turkish Cypriot people must be broken.

- With their pre-planned armed attacks in 1963, the Greek Cypriots destroyed the 1960 Republic, which had been established jointly by the two peoples of the island by exercising their separate right to self-determination, and tried to annihilate the Turkish Cypriot people.

- Since then there has not been a state, government, parliament, or administration with the authority or competence to represent the two equal peoples in Cyprus, and to take any decision for the island as a whole.

- The Turkish Cypriot people have never accepted the usurpation by the Greek Cypriots of their rights and the titles emanating from the partnership Republic, by force of arms. They resisted the Greek Cypriot attacks and oppression for years and, continuing their struggle for survival, established their own administration and finally their own state.

- The intervention by Turkey under the 1960 Treaty of Guarantee, upon the coup d'etat carried out by Greece in 1974 with the aim of annexing Cyprus to Greece, not only put an end to this illegal act but also saved the Turkish Cypriot people from mass extermination and 11-year-long acts of oppression.

- After 1974, a new situation has come about in Cyprus, ending a period of continuous strife and bloodshed. The tranquility ensuing from this enabled the two sides to live within their respective territories and states, and to search for ways to settle their disputes created after 1963.

- The Turkish Cypriot side has, for years, made serious and constructive proposals for the creation of conditions which would preserve the environment of security in Cyprus and enable the two sides to resolve their disputes. It has spent efforts, in good faith, for the formation of a framework for a comprehensive settlement. The Greek Cypriot side, however, has not contributed to these efforts in a genuine manner; has not changed its attitude towards the Turkish Cypriot people; and has not abandoned its unfounded claims and prejudices.

- At the root of the 36-year-old impasse in Cyprus lie the failure of the Greek Cypriot side to abandon its obsession with converting Cyprus into a Greek island and, in that connection, its attempt to continue to hold onto its illegitimate title and claims. Greece primarily carries grave responsibility in the continuation of this negative and adventurous attitude of the Greek Cypriot side.

- It is abundantly clear that none of these claims of the Greek Cypriot side have a legal or justified basis or a legitimate purpose that they are of an aggressive nature, and that they openly violate international agreements.

- The imposition, as an extension of these aggressive policies, of embargoes on the Turkish Cypriot people in all fields, and the propaganda war waged in the international arena cannot, in any way be justified or accepted.

- The EU, by opening accession negotiations with the Greek Cypriot side, has taken a totally wrong turn. It is not possible to consider the balance between the two peoples of Cyprus as well as between Turkey and Greece, established and guaranteed by the 1960 Agreement, as non-existent. This has no validity in international law. Despite our objections and admonitions, the EU, by taking such an irresponsible step, has destroyed the established framework and parameters for a settlement, and by deepening the crisis of confidence, led to the further estrangement of the two peoples from one another.

- An approach which regards the Greek Cypriot side as the sole interlocutor authorized to negotiate on behalf of the island as a whole, and which purports to ignore the equal political status and sovereign rights of the Turkish Cypriot people, is totally invalid and is bound to fail. The Greek Cypriots and the EU should realize that the future of the island cannot be built on such an approach.

- The emergence of a new awareness on the part of the EU in this direction is welcome but not sufficient. The Union must show the will to abandon the wrong path it

has embarked upon, and the accession negotiations conducted with the Greek Cypriot side under the banner of Cyprus must be stopped.

- Because the green light given to the Greek Cypriot side for EU membership has raised expectations on the Greek Cypriot side and encouraged them to pursue a dangerous policy of tension. The Greek Cypriot Administration has been engaged in importing high-technology weapons to South Cyprus; establishing air and navy bases for Greece; and openly supporting PKK terrorism against Turkey, in collaboration with Greece. These are unacceptable actions, which escalate tension in the island as well as the region, and place obstacles in the way of any process of negotiations.

- Turkey, as motherland and a guarantor country, has treaty rights and obligations towards the Turkish Cypriot people, and has national security interests over the island of Cyprus. The erosion, directly or indirectly, of the 1960 Treaties of Guarantee and of Alliance will not be allowed under any circumstances. The balance established between Turkey and Greece over the island and in the Eastern Mediterranean, through the 1960 Agreements, will be carefully maintained, in political, military, economic and all other fields, particularly in the light of developments in the EU's relations with the Greek Cypriot side.

- We are aware of the existence, within the international community, of circles who acknowledge the mistakes of the past and properly evaluate the situation in Cyprus, sincerely desiring an agreed settlement. As many past experiences show, talks which are undertaken without creating the necessary prerequisites and basis for achieving a reliable outcome end in failure, each failure deepening the mistrust and tensions in the island and pushing the parties further apart.

- The point has been reached where it is not possible to start a new process of negotiations, without accepting the equality of status between the two sides, and without manifesting, with the necessary legal and political clarity, the existence in Cyprus of two equal and sovereign states representing the two peoples, and the fact that neither of these two states can claim sovereignty or authority over the other. The acceptance of the separate sovereign existence of the Turkish Republic of Northern Cyprus has become the key to reconciliation based on agreement between the two states of the island.

- Avoiding the realities in the island is not in the interest of anyone, including the Greek Cypriot side. A new Cyprus can only be founded on these realities. Third parties can only contribute to the preservation and further consolidation of peace in Cyprus by encouraging the Greek Cypriots along this path and by adopting an attitude which would make them abandon their obsessions. A settlement can only be lasting if it is freely negotiated between the two equal states in the island; if the balance between the two motherlands, namely Turkey and Greece, is maintained; and if the differences between the two sides are reconciled on a comprehensive and mutually acceptable basis.

- The confederation proposal put forward by President Rauf R. Denktaş on 31 August 1998 draws up a framework for opening the door to a lasting peace based on agreement between the two peoples and the two states of the island on the basis of equality and sovereignty. If the aim is to secure lasting peace in the island of Cyprus and in the region, the proposal for a Cyprus Confederation should be considered with utmost care and seriousness.

- The relations between Turkey and the Turkish Republic of Northern Cyprus will be developed and deepened in line with the target of integration set at the highest level. Projects which are important for speeding up the economic development of the Turkish Republic of Northern Cyprus will be put into effect and completed. With the aim of protecting their common interests in all their aspects, Turkey and the Turkish Republic of Northern Cyprus will sign a special relationship agreement, in the period ahead.

Source:

http://www.mfa.gov.tr/MFA/PressInformation/JointDeclarations/JointDeclarations1999/July_20_1999_Turkey-TRNC+Joint+Declaration.htm

APPENDIX 36

The Lipponen Letter, December 10, 1999

Mr. Prime Minister,

Today, the European Union has set out on a new course in its relations with the Republic of Turkey. I am very pleased to inform you officially on our unanimous decision to confer Turkey the status of candidate State, on the same footing as any other candidate.

When, in the European Council, we discussed the draft conclusions annexed to this letter, I said, without been challenged, that 12 of the conclusions there was no new criteria added to those of Copenhagen and that the reference to 4 and 9a was not in relation with the criteria for accession but only to the political dialogue. The accession partnership will be drawn up on the basis of today's Council decisions.

In 4 the date of 2004 is not a deadline for the settlement of disputes through the ICJ but the date at which the European Council will review the situation relating to any outstanding dispute.

Regarding Cyprus, a political settlement remains the aim of the EU. Concerning the accession of Cyprus, all relevant factors will be taken into account when the Council takes the decision.

Paavo Lipponen

In the light of this, I invite you with the other candidate States to our working lunch in Helsinki tomorrow.

Source: Mustafa Türkeş, "Cycles of Transformation of the Cyprus Question", in *Contentious Issues of Security and the Future of Turkey*, ed. by. Nurşin Ateşoğlu Güney, (London: Ashgate, 2007).

APPENDIX 37

Ecevit's Reply, December 10, 1999

Dear Mr. Prime Minister,

I would like to acknowledge receipt of your kind letter of today providing clarifications on points contained in the Presidency Conclusions which have led to some misgivings on our part. I welcome the clarifications you have supplied to dispel any misunderstandings. Your letter constitutes an integral part of the acquis.

It is against this background that I will set out the views of my government regarding the Presidency Conclusions in a statement that I intend to make later tonight. I will forward the text of this statement to you.

Looking forward to meeting you in Helsinki, I remain,

Yours sincerely,

Bülent Ecevit

Source: Source: Mustafa Türkeş, "Cycles of Transformation of the Cyprus Question", in *Contentious Issues of Security and the Future of Turkey*, ed. by. Nurşin Ateşoğlu Güney, (London: Ashgate, 2007).

APPENDIX 38

Jacques F. Poos, Report on Cyprus's Application for Membership to the European Union and the State of Negotiations, July 17, 2001

I. Cyprus' application for membership

1. The Republic of Cyprus - recognised by the European Union and its Member States as the only legitimate government of the Cypriot people - applied for membership of the European Union, on behalf of the whole island, in July 1990.
2. In December 1997, the Luxembourg European Council decided to initiate a new enlargement process with five central and eastern European countries and Cyprus, emphasising that Cyprus's membership would benefit both communities and foster reconciliation. Earlier that month, Parliament had called on the Council and the Commission 'to do everything in their power to promote a peaceful solution to the Cyprus question, in accordance with the UN Resolutions, without the accession negotiations being linked to a solution to the dispute' (A4-0368/1997) and for the involvement of both the Turkish and Greek Cypriot communities in the enlargement process.
3. The Luxembourg Council conclusions concurred with this view, stressing that 'the accession of Cyprus should benefit all communities and help to bring about civil peace and reconciliation. The accession negotiations will contribute positively to the search for a political solution to the Cyprus problem through the talks under the aegis of the United Nations which must continue with a view to creating a bi-community, bi-zonal federation'.
4. Negotiations on accession started formally on 31 March 1998. After the presentation by the Commission of its first Regular Report on the progress achieved by Cyprus towards its accession to the EU, the European Parliament adopted a Resolution on 15 April 1999, regretting that the Turkish Cypriot side had refused to join the negotiating team - which was also creating difficulties with regard to the '*acquis communautaire*'.
5. Finally, in Helsinki in December 1999, the European Council decided that the settlement of the Cyprus problem was not a pre-condition for accession, although the EU would take a definitive stance closer to decision time.

II. The progress being made by Cyprus towards accession

6. In November 2000 the Commission produced its updated Regular Report on Cyprus's progress towards accession (COM(2000)702). The Report explicitly states that Cyprus is one of only two candidate countries (the other being Malta) to fully satisfy all the Copenhagen political and economic criteria; it is also making very good progress with the *acquis communautaire* - to date 22 out of the 29 chapters have been provisionally closed, and it is hoped that up to five more chapters may be closed by the end of the Belgian Presidency. The parliamentary report before you considers Cyprus's current situation in the light of the Copenhagen political and economic and *acquis* criteria, and draws attention both to key areas highlighted in the Commission's report and to other issues which are crucial to Cyprus's accession.

Political criteria

7. Cyprus continues to fulfil the Copenhagen political criteria, at least as far as the territory where the legitimate government is able to exert its authority is concerned, as set out in Parliament's previous report (A5-0249/2000).
8. However, the predominant political problem remains the continuing division of the island, despite the many efforts which have been made to find a political solution. We

now have the paradoxical situation where part of a candidate country is occupied by another candidate country.

9. The United Nations has been active in trying to solve the problem from the early days, by bringing together the two sides in negotiations and passing numerous resolutions in the Security Council (UNSC) calling for a withdrawal; a UN peace-keeping force (UNFI CYP) has been stationed in Cyprus since 1964.
10. Parliament has been strongly supportive of all UN peace efforts and has frequently restated its position, which is based on three fundamental principles: that an acceptable settlement can only be based on international law, as set out in UNSC resolutions, that a political solution has to be in accordance with the EU's *acquis communautaire*, and that a solution to the Cyprus question is not a pre-condition for accession.
11. It is useful to recall the three 'warnings' expressed by Commissioner Verheugen: no separate negotiations with the two parts of the island, no to EU membership for two separate Cypriot states; no EU membership for the northern part of Cyprus on Turkey's accession. It is now time to add a fourth warning. If Turkey were to carry out its threat to annex northern Cyprus on Cyprus's accession to the EU, it would itself put an end to its EU candidacy. Such an annexation would constitute a flagrant violation of international law and would be totally unacceptable to the EU and the international community.

Recent developments

12. The latest UN-led attempt to reach a negotiated settlement to the Cyprus problem started in December 1999 with exploratory 'proximity talks' held between UN envoy, Alvaro de Soto, Cyprus President Glafcos Clerides and Turkish Cypriot leader Rauf Denktash.
13. In November 2000, Kofi Annan proposed the creation of a joint State with a single international personality, sovereign and indivisible, which would have a single citizenship and guarantee fundamental freedoms and human rights. The joint State would be composed of two constituent States, each having a large degree of autonomy.
14. After five rounds of proximity talks, Mr Denktash - with Ankara's full backing - unilaterally pulled out of the sixth round planned for January 2001. He announced that he would not return to the table unless the format was changed and the illegal regime in Turkish-occupied Cyprus recognised. Turkey's backing for Mr. Denktash's withdrawal is particularly regrettable in the light of the EU's invitation to Turkey, as a candidate country, to come forward with a constructive contribution to finding a solution to the Cyprus problem. As a result, more valuable time has been wasted. Only a concrete UN initiative could create the conditions for a resumption of talks.
15. On 20 March 2001, Turkey submitted its National Programme for the Adoption of the Acquis (NPAA). Concerning Cyprus, the Turkish government states here that it will 'support the efforts of the UN Secretary General ... with a view to establishing a new partnership in Cyprus based on the sovereign equality of the two parties and the realities of the island'. This reflects the traditional stance of the Turkish government and is completely incompatible with the long-standing proposals made by the United Nations. And if recognising 'the realities of the island' implies accepting the occupation of 37% of Cypriot territory by Turkish troops and the self-styled regime in the north, then this is in total contradiction of UNSC resolutions 321 and 541. Equally disturbing were the remarks allegedly made during a recent visit to the Turkish-occupied area by Turkish Foreign Minister Ismail Cem, reiterating the demands for a 'confederal solution, based on equal sovereignty and on two states'. This was backed up by the threat that Turkey's reaction to Cyprus's EU accession 'would have no limits'. The European Parliament can only reject these declarations as

being contrary to international law and hope that Turkey will adopt a more comprehensive stance to the question of finding a solution of the Cyprus problem.

16. Our view is that the EU must play a key role in the search for such a solution, using its influence and the instruments at its disposal, among them the new CFSP mechanisms offered by the Treaty of Amsterdam and through its new Common European Security and Defence Policy (CESDP). In this context, the permanent informal contacts established between Commissioner Verheugen and UN Secretary General Kofi Annan and his personal representative Alvaro de Soto are a welcome development. Equally welcome is the 'enhanced political dialogue' launched between the EU and Turkey in March 2001, as well as the fact that the EU now has accession partnership agreements with both Cyprus and Turkey, where both parties' obligations towards the EU are set out. In March 2001, Commissioner Verheugen held a meeting with Turkish Foreign Minister Cem. All these developments, although outside the immediate framework of peace talks, have to be seen as positive.

Economic criteria

17. As the Commission has pointed out in its last two Progress Reports, Cyprus fulfils the Copenhagen economic criteria: it is a functioning market economy and should be able to cope with the competitive pressures and market forces within the Union. The EU already accounts for 49.8% of Cyprus's exports and 52.4% of its imports.
18. Cyprus has enjoyed strong economic growth - for 2001 the Commission predicts a GDP of 3.4% and 4.7% in 2002. Cyprus has based its economy on international markets, focussing on light industry, tourism and the off-shore financial services sector, and the high growth rate, low unemployment (3.9% in 1999) and stable financial markets have given the Republic a high standard of living and a high level of investment. The Cyprus pound has been unilaterally 'pegged' to the ECU since 1992 and to the EURO since 1999, within a narrow fluctuation margin of $\pm 2.25\%$. In 2000 the fiscal deficit was 2.7% of GDP and the public debt amounted to approximately 60%, thus satisfying the two relevant Maastricht convergence criteria.
19. However, none of the above should encourage complacency. As the Commission's Regular Report for 2000 puts it, 'while overall growth remains generally strong, risks for macro-economic stability have emerged particularly in the financial sector, fiscal accounts and the external sector'. The current level and stance of fiscal policy are not sustainable over the medium term; price liberalisation is not yet fully operational and competitiveness suffers because of certain structural obstacles and significant state involvement in the economy. Inflation increased from an average of 1.3% in 1999 to 5.3% by June 2000, and although some progress was made in limiting the fiscal deficit in the first half of 2000, the measures taken have still not been sufficient to place government accounts on a sustainable path. The current account deficit in 1999 was estimated to be 2.7% of GDP despite healthy returns from tourism; it is estimated at around 5% of GDP for 2000, although it is expected to decline to 3.2% in 2001. The trade balance will continue to show deficits partly as a result of the visible slow-down in export market growth and partly because of demand for imported goods from the tourism industry.
20. Market entry is reasonably straightforward in most sectors. However, there are significant barriers to entry in several key sectors, with several semi-government organisations benefiting from legal monopolies e.g. telecommunications and electricity. So, while there are a number of very positive factors, work remains to be done, and there is a need to develop a credible and coherent approach to fiscal consolidation.
21. Another problem is the economic disparity with the north, although it is difficult to obtain comprehensive, reliable data about the north. Productivity in the north amounts to only 38% of that of the Republic of Cyprus: agriculture is under-

developed, desertification is widespread, tourism hampered by lack of infrastructure and practical difficulties of access (the only direct flights to the north are from Turkey).

22. The administration in the occupied area is heavily dependent on fiscal transfers from Turkey. Turkey's economic woes have obviously had an impact on the northern part of the island, with very high inflation and a significant decline in tourism from Turkey (Turkish visitors had previously constituted 80% of the total) being the most obvious examples. A recent banking crisis in the north's surprisingly large financial sector (at least 35 banks plus a further 38 offshore banks) exacerbated the north's economic problems as confidence in the financial system evaporated and there was widespread flight of capital. The Commission's Regular Report is not optimistic, saying that 'given the present political environment, the possibilities for sustained economic growth over the medium term are poor'. The rapporteur holds the view that since the northern part of Cyprus would need - if a political solution were to be found - to catch up with the more prosperous south - the EU could devise a special programme, as it did with Northern Ireland, in order to sustain the peace process and facilitate the re-unification of the island.

The *acquis*

23. The Commission's Regular Report for 2000 points out that Cyprus has made substantial progress in many *acquis* areas such as transport, fisheries, Justice and Home Affairs, and in the strengthening of administrative capacity. At the 15 May 2001 Association Council, EU Foreign Ministers congratulated Cyprus on its high level of harmonisation with the *acquis*. 22 chapters have been provisionally closed (free movement of goods, company law, fisheries, economic and monetary union, statistics, social/employment policy, industrial policy, small and medium sized enterprises, science and research, education and training, telecommunications and information technology, culture & audiovisual policy, consumers and health protection, customs union, external relations, common foreign and security policy, financial control, and most recently, the free movement of capital, energy, transport and freedom to provide services), making Cyprus one of the best-performing candidate countries in this respect.
24. However, there are still lacunae and the Commission's report draws attention to areas where further improvements are needed: agriculture (where, although there has been some preparatory work towards abolishing state monopolies, 'substantial elements and mechanisms of the agricultural *acquis* remain to be applied').
25. Environment continues to be a 'high priority area' and a full and correct transposition of the environmental *acquis* will be critical to the success of the negotiations on this chapter. Problems persist with waste management, the question of water scarcity and water quality (although Cyprus has recently opened a second de-salination plant and is taking other steps to improve its water supply), and the protection of wild birds. At the recent EU-Cyprus Joint Parliamentary committee held in Limassol in late March 2001, European parliamentarians called on the Cyprus government to take measures to protect the Akamas Peninsula, including the adoption of a Management Plan proposed by the World Bank.
26. Regarding transport, in 1999 an Action Plan on strengthening the capacity of the Department of Merchant Shipping and improving the safety record of the Cyprus shipping fleet was brought in; it is to be hoped that successful implementation will help the Cyprus fleet to achieve a safety record corresponding to the current EU average.
27. As regards Justice and Home Affairs, the Commission report points out that since the last report progress has been registered in Cyprus, especially in the fields of judicial co-operation in criminal and civil matters and concerning the fight against fraud and corruption, as well as in the areas of asylum, through the adoption of new legislation.

Cyprus would obviously be an external EU border and so, in the fields of visa policy and border controls, where the Commission had noted shortcomings, it is encouraging to see that Cyprus has been gradually aligning its visa policy, and making progress on upgrading control equipment and training of personnel.

28. While there is some concern about money laundering, Cyprus has been taking appropriate measures (endorsed in an as yet unpublished IMF report), and it is to be hoped that rigorous and effective implementation will ensure their success
29. Another area for concern is Customs Union, where 'very limited progress was achieved ... during the period covered by this regular report' and where 'the development of an administrative and operational capacity needs to be accelerated'.
30. Overall, the rapporteur endorses the Commission's view that Cyprus has achieved significant progress in various areas of the *acquis* but that the areas cited above require particular attention. However, if negotiations continue to progress as they have done, he is of the opinion that these aspects should not prove insurmountable, and is encouraged by Cyprus's realistic assessment, as expressed by Foreign Minister Ioannis Kasoulides on May 7 2001, that the island's accession course to the EU was progressing well and membership prospects were good, but to beware of complacency.

III. Other points

31. A total of 1619 Greek Cypriots and Greeks, among them several children, were listed as missing immediately after the 1974 Turkish invasion; 1493 cases have been submitted for investigation. The Turkish side has repeatedly claimed that there are no missing persons as they were all killed during hostilities. In July 1997, the UN brokered an agreement between Clerides and Denktash on the issue, providing for an exchange of information on the location of graves, exhumation of remains and the return of remains to the families. However, there is a consistent refusal from Turkey to conduct an effective enquiry.
32. Freedom of movement continues to be a problem related to the division of the island. There is also considerable concern about the treatment of Greek Cypriots and Maronites in the occupied areas of Cyprus, and the fact that around one third of the Greek Cypriot population are still forcibly prevented from returning to their homes in the South.
33. There is concern about incidents such as the December 2000 abduction from one of the two remaining British army bases in occupied Cyprus of Panicos Tziakourmas who was then sentenced to six months in prison by a court in occupied Cyprus, ostensibly for drug possession and trafficking, in the absence of any evidence. While he was subsequently released for 'good behaviour' and on health and compassionate grounds, the issue opens up an enormous can of worms.
34. Turkey maintains an embargo in its ports on vessels flying the Cypriot flag and this runs counter to the notion of free navigation and maritime trade, two pillars of economic prosperity.

IV. Conclusions

35. Cyprus is one of only two candidate countries to fully satisfy the Copenhagen political economic criteria and its rapid advance in the accession negotiations make it likely that Cyprus will be able to join the EU at an early stage. There is no doubt that Cyprus's future lies in the EU, and membership will benefit the Union because of Cyprus's long experience of dealing with many of the countries in the area and it will also reinforce the Union's role in the Eastern Mediterranean and the Middle East, two regions which will be of the greatest importance in the future; it will also benefit Cyprus, politically and economically.
36. Accession should benefit the whole island, with Turkish Cypriot concerns also taken on board, which would allow the *acquis* to be implemented throughout the island and improve living standards in the north.

37. It is generally hoped that accession will act as a catalyst for the peace effort. Conversely, a solution would facilitate accession, but is not a pre-condition, as stated at Helsinki, and this is one way of making clear to Turkey, also a candidate country, that it cannot block or delay Cyprus's EU entry.
38. It is encouraging to note the very high level of support for EU membership in Cyprus, not least among Turkish Cypriots in the north. According to a recent article by a mainland Turkish newspaper ('Radikal') journalist, Mr. Cem's threats to annex the 'TRNC' to Turkey were supported by only 7% of Turkish Cypriots, and approximately 90% of the Turkish Cypriot community was in favour of accession to the EU, with or without Turkey. There is a noticeable level of dissatisfaction among civil society and ordinary people in the north, who see no prospects if the island is not re-united. This has contributed to a shift in demography, with large numbers of Turkish Cypriots leaving for abroad and Turkish settlers and the $\pm 30,000$ Turkish soldiers forming a majority. Obviously, an annexation would worsen the situation of the remaining Turkish Cypriots, who are today already a minority of the population in the occupied areas.
39. Although Mr. Denktash generally controls and limits bi-communal links, events such as the bi-communal youth festival at the end of March in the UN-controlled buffer zone, aimed at promoting rapprochement between the island's two communities (in this case a memorandum of cooperation was signed), are a positive development. Other measures may also help: the US government has requested \$15 million in foreign aid for Cyprus in 2002 to be used for scholarships, bi-communal projects and measures aimed at the reunification of the island and promoting peace and cooperation between the two communities. The European Parliament, within the framework of the EU-Cyprus Joint Parliament Committee, could play a facilitating role by establishing contacts with Turkish Cypriot civil society and political parties.
40. In April this year, Turkey hinted for the first time since the invasion that it would be willing to act against the continuing destruction of the island's cultural heritage in the areas it occupies. This is a sign to be cautiously welcomed and an area to monitor carefully.
41. On May 10, the European Court of Human Rights ruled that Turkey was guilty of gross human rights violations on 14 counts in the areas of the Republic it has occupied since 1974, in contravention of the European Convention of Human Rights, and described the regime as being a subordinate local administration to Turkey. The Court also noted that it recognised only one legal government on the island, the government of the Republic of Cyprus. This ruling has reaffirmed the long-standing position of the European Union.
42. Finally, it is as well to reiterate the point made in the previous report that the EU must maintain the positions adopted in Helsinki and not link Cyprus's EU membership to progress in the UN negotiations. To do so would be contrary to the principle that changes to borders brought about by force cannot be recognised under any circumstances.

Source:<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A5-2001-0261+0+DOC+PDF+V0//EN&language=EN>

APPENDIX 39

UN Security Council Resolution 1475

The Security Council,

Reaffirming all its resolutions on Cyprus, in particular resolution 1250 (1999) of 29 June 1999 aimed at achieving agreement on a comprehensive Cyprus settlement,

Reiterating its strong interest in achieving an overall political settlement on Cyprus which takes full consideration of relevant Security Council resolutions and treaties,

Welcoming the report of the Secretary-General of 1 April 2003 (S/2003/398) on his mission of good offices in Cyprus,

1. *Commends* the extraordinary effort made by the Secretary-General and his Special Adviser and his team since 1999 in pursuance of his Good Offices mission and within the framework of Security Council resolution 1250 (1999);

2. *Further commends* the Secretary-General for taking the initiative to present to the parties a comprehensive settlement plan aimed at bridging the gaps between them, drawing upon the talks that began in December 1999 under United Nations auspices and, following negotiations, to revise that plan on 10 December 2002 and 26 February 2003;

3. *Regrets* that, as described in the Secretary-General's report, due to the negative approach of the Turkish Cypriot leader, culminating in the position taken at the 10-11 March 2003 meeting in The Hague, it was not possible to reach agreement to put the plan to simultaneous referenda as suggested by the Secretary-General, and thus that the Turkish Cypriots and the Greek Cypriots have been denied the opportunity to decide for themselves on a plan that would have permitted the reunification of Cyprus and as a consequence it will not be possible to achieve a comprehensive settlement before 16 April 2003;

4. *Gives its full support* to the Secretary-General's carefully balanced plan of 26 February 2003 as a unique basis for further negotiations, and calls on all concerned to negotiate within the framework of the Secretary-General's Good Offices, using the plan to reach a comprehensive settlement as set forth in paragraphs 144-151 of the Secretary-General's report;

5. *Stresses* its full support for the Secretary-General's mission of Good Offices as entrusted to him in resolution 1250 (1999) and asks the Secretary-General to continue to make available his Good Offices for Cyprus as outlined in his report;

6. *Decides* to remain actively seized of the matter.

Source: UN Security Council Documents S/Res/1475

APPENDIX 40

Gunter Verheugen's Speech at the European Parliament Plenary Session, April 21, 2004.

Mr. President, ladies and gentlemen the fundamental principle underlying European unification is the common desire to work together and pursue policies which guarantee coexistence among the nations of Europe. That is the reason why we have united, and that is the reason why we are gathered here this morning. What we expect, first and foremost, from all our Member States, and what we expect above all from the countries which are due to join the European Union in less than ten days' time, is full endorsement of this basic principle of European unification as a peace project. That is what I expect from the Government of the Republic of Cyprus as well.

Cyprus is the country in Europe that is still divided. Cyprus is the last country in Europe whose capital is divided by a death strip with barbed wire and minefields. Never before, since this conflict started, have we been as close to achieving a solution as we are today. Centimeters separate us from our goal, and yet I must tell you that I now have very little hope that we will progress this last few centimeters. Let me explain why.

The situation which has now arisen is as follows- **To everyone's complete surprise,** the Cypriot Government led by President Papadopoulos has said that it fundamentally rejects the United Nations peace plan and is urging the Greek Cypriot community to vote against it.

From my perspective, this is a deeply depressing situation for two reasons. Firstly, when we changed our strategy on Cyprus in 1999 and, at the urgent request of the Cypriot Government, pledged to the Greek Cypriot Government that the solution to the Cyprus conflation would not be the precondition for the island's accession to the European Union, this was based on the clear understanding that we would do everything possible to facilitate Cyprus's accession, and by the same token, the Government of the Republic of Cyprus would do everything in its power to achieve a settlement and that under no circumstances would a settlement fail as a result of Greek Cypriot opposition. **I have held dozens of talks with ex-President Glafkos Clerides and President Papadopoulos on this basis. There can be no misunderstanding. We had a cleared agreement we would arrange Cyprus's accession, and they would ensure that no settlement collapsed on account of the Greek Cypriots.** We could not speak for the Turkish Cypriots.

I urge President Papadopoulos to fulfill his part of the deal now.

The second point that I wish to make is this: the negotiating process launched under the auspices of the UN Secretary-General was paralyzed for 8 very long times by the outright opposition of the Turkish Cypriot. Thanks, not least, to the European Union's efforts, this blockade has been overcome and at every stage of the process. **The Government of the Republic of Cyprus reaffirmed that it endorsed the basic framework of the Annan Plan saying that it wanted minor points to be amended but within the parameters of the plan.**

President Papadopoulos statements after the end of the talks in Switzerland amount to the fundamental rejection of the basic principles set out in the plan. Based on what President Papadopoulos said, I can only conclude that the Government of the Republic of Cyprus now rejects the federal solution to the Cyprus problem, which is based on the coexistence and equality of the Greek and Turkish Cypriots and is endorsed by the United Nations and the entire international community.

Let me be quite undiplomatic, Ladies and gentlemen. ***I feel personally cheated by the Government of the Republic of Cyprus.*** For months – for months – I have done my almost, like everyone else, in good faith and trusting in the promises made by the Greek Cypriot Government to establish parameters which would enable the Greek Cypriots to endorse this plan. Sadly, this has not been achieved. The very least, however, that can now be expected from a country which wants to join the European Union in less than ten days' time is that it must ensure at the very least, the provision of fair and balanced information about the objectives and content of this plan. Never before in the history of the European Commission has a member of the European Commission been banned from making statements on a key European issue in a Member State on the grounds that it constitutes interference in its domestic affairs. I call upon President Papadopoulos to ensure that in his country, the basic freedoms of information and opinion are strictly guaranteed, and that from today onwards free access is granted in the Cypriot media to all those who are able to provide a full explanation of this plan in line with the United Nations' intentions. As before I am willing to do so.

Let me made on point in conclusion. The solution is not intended to be a transaction in the interests of trade. I think it is very regrettable that in the many statements I have heard from the Greek Cypriot side in recent days, the word peace the wed reconciliation the word mutual understanding and the word different communities and religions living together are hardly ever mentioned. The focus is almost entirely on trade aspects. Let me make it clear: our objective is to provide a model, in this part of the world that demonstrates that the concept of European integration is strong enough not only to avoid conflicts but also to resolve existing ones. That would send out a very strong signal, especially in this region, where the coexistence of communities form different cultures and religions has produced the most profound a difficult global crisis that we have faced for some time. That is why the importance of this issue extends far beyond Cyprus itself.

The Commission has fulfilled its pledge. As envisaged, we presented a file to the Council in which the provisions of the UN plan are adjusted in line with the acquis. After careful analysis, we ascertained that the new Republic of Cyprus, the United Republic of Cyprus, can speak with one voice, meet its international commitments, will not block international forums, and will be equipped with structures which are robust enough to enforce international law. We have stated that in our role as the guardian of the Treaties, we will apply stringent monitoring to ensure that these provisions are upheld finally, we have made pledges to assist with financing the costs arising from this agreement and these pledges are very far-reaching.

Let me take one thing very clear to Greek Cypriots: there will never be a plan which fully satisfies either one of the parties. That is impossible to achieve. What we can do is come as close as we can to such a plan, and there will be no better plan than this one. To those who now argue, 'yes but then too many Turkish soldiers will remain on the island', let me say this: rejecting the plan perpetuates the presence of 30 000 Turkish troops in Cyprus.

Another complaint is that too many Turkish settlers will remain on the island. Let me tell you this rejecting the plan opens the door for a further 100 000 Turkish settlers to come to Cyprus.

This plan offers a solution which is in the interests of the Greek community and in the interests of the Turkish community. It is a solution which is in the interests of the European Union, and I send out a final appeal to the citizens of Cyprus to make a decision on Saturday which will enable this country to joint the European Union with an entry ticket testifying that it is a country that stands for peace and understanding in Europe an the world.

Patten, Commission:

I should just like to say one or two words about this subject, which is not my normal beat. Firstly, I should like to apologise on behalf of Commissioner Verheugen, that he had to leave before the end of the debate. He had another extremely important engagement and this debate was scheduled to have ended a good deal earlier. However, I understand why the debate has run on so long: it arouses considerable passions and great interest in all parts of the House.

We were questioned about what would happen if there was a 'no' vote on the Greek side of the Island and a 'yes' vote among the Turkish community. I should underline that the Commission has already announced that we will soon be putting forward proposals to assist the Turkish community in that unhappy eventuality, which we still hope will not happen. Clearly we cannot allow the Turkish community to be punished economically and socially because of decisions made by others, so we would have to try to find a solution to the problem of Turkish economic isolation as effectively and rapidly as we could.

I should like to speak briefly about the 1999 Helsinki European Council – the first European Council that I attended. As I recall, we always knew that the policy we endorsed then had about it an element of risk. It does not come as a surprise. We thought it was important to try to decouple the Cyprus conflict from the integration of central and Eastern Europe into the European Union. I believe we made the right decision then and I believe we made the right way to proceed. But against that background, **and in the light of some of the things Commissioner Verheugen said, you will understand why it is not just the Commissioner who feels very strongly that we have been badly let down in the last few days and weeks It is a sacrament that is strongly held within the Commission an one that is held way beyond the Commission.** I still hope that we will not be let down.

However one cannot ignore the fact that there is that sense that we have been cheated.

Source: Taken from Georg Ziegler, Deputy Head of the Turkish Cypriot Task Force.

APPENDIX 41

Protocol No 10 on Cyprus

THE HIGH CONTRACTING PARTIES,

REAFFIRMING their commitment to a comprehensive settlement of the Cyprus problem, consistent with relevant United Nations Security Council Resolutions, and their strong support for the efforts of the United Nations Secretary General to that end,

CONSIDERING that such a comprehensive settlement to the Cyprus problem has not yet been reached,

CONSIDERING that it is, therefore, necessary to provide for the suspension of the application of the *acquis* in those areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control,

CONSIDERING that, in the event of a solution to the Cyprus problem this suspension shall be lifted,

CONSIDERING that the European Union is ready to accommodate the terms of such a settlement in line with the principles on which the EU is founded,

CONSIDERING that it is necessary to provide for the terms under which the relevant provisions of EU law will apply to the line between the abovementioned areas and both those areas in which the Government of the Republic of Cyprus exercises effective control and the Eastern Sovereign Base Area of the United Kingdom of Great Britain and Northern Ireland,

DESIRING that the accession of Cyprus to the European Union shall benefit all Cypriot citizens and promote civil peace and reconciliation,

CONSIDERING, therefore, that nothing in this Protocol shall preclude measures with this end in view,

CONSIDERING that such measures shall not affect the application of the *acquis* under the conditions set out in the Accession Treaty in any other part of the Republic of Cyprus,

HAVE AGREED UPON THE FOLLOWING PROVISIONS:

Article 1

1. The application of the *acquis* shall be suspended in those areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

2. The Council, acting unanimously on the basis of a proposal from the Commission, shall decide on the withdrawal of the suspension referred to in paragraph 1.

Article 2

1. The Council, acting unanimously on the basis of a proposal from the Commission, shall define the terms under which the provisions of EU law shall apply to the line between those areas referred to in Article 1 and the areas in which the Government of the Republic of Cyprus exercises effective control.

2. The boundary between the Eastern Sovereign Base Area and those areas referred to in Article 1 shall be treated as part of the external borders of the Sovereign Base Areas for the purpose of Part IV of the Annex to the Protocol on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus for the duration of the suspension of the application of the *acquis* according to Article 1.

Article 3

1. Nothing in this Protocol shall preclude measures with a view to promoting the economic development of the areas referred to in Article 1.

2. Such measures shall not affect the application of the *acquis* under the conditions set out in the Accession Treaty in any other part of the Republic of Cyprus.

Article 4

In the event of a settlement, the Council, acting unanimously on the basis of a proposal from the Commission, shall decide on the adaptations to the terms concerning the accession of Cyprus to the European Union with regard to the Turkish Cypriot Community.

Source:

<http://europa.eu/eur->

[ex/pri/en/oj/dat/2003/l_236/l_23620030923en09310956.pdf#page=25](http://europa.eu/eur-ex/pri/en/oj/dat/2003/l_236/l_23620030923en09310956.pdf#page=25)

APPENDIX 42

Protocol No 3 on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus

THE HIGH CONTRACTING PARTIES,

RECALLING that the Joint Declaration on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus annexed to the Final Act of the Treaty concerning the Accession of the United Kingdom to the European Communities provided that the arrangements applicable to relations between the European Economic Community and the Sovereign Base Areas will be defined within the context of any agreement between the Community and the Republic of Cyprus,

TAKING ACCOUNT of the provisions concerning the Sovereign Base Areas set out in the Treaty concerning the Establishment of the Republic of Cyprus (hereafter referred to as the 'Treaty of Establishment') and the associated Exchanges of Notes dated 16 August 1960,

NOTING the Exchange of Notes between the Government of the United Kingdom and the Government of the Republic of Cyprus concerning the administration of the Sovereign Base Areas, dated 16 August 1960, and the attached Declaration by the United Kingdom Government that one of the main objects to be achieved is the protection of the interests of those resident or working in the Sovereign Base Areas, and considering in this context that the said persons should have, to the extent possible, the same treatment as those resident or working in the Republic of Cyprus,

NOTING FURTHER the provisions of the Treaty of Establishment regarding customs arrangements between the Sovereign Base Areas and the Republic of Cyprus and in particular those of Annex F to the said Treaty,

NOTING ALSO the commitment of the United Kingdom not to create customs posts or other frontier barriers between the Sovereign Base Areas and the Republic of Cyprus and the arrangements made pursuant to the Treaty of Establishment whereby the authorities of the Republic of Cyprus administer a wide range of public services in the Sovereign Base Areas, including in the fields of agriculture, customs and taxation,

CONFIRMING that the accession of the Republic of Cyprus to the European Union should not affect the rights and obligations of the parties to the Treaty of Establishment,

RECOGNISING therefore the need to apply certain provisions of the Treaty establishing the European Community and related EC law to the Sovereign Base Areas and to make special arrangements regarding the implementation of these provisions in the Sovereign Base Areas,

HAVE AGREED UPON THE FOLLOWING PROVISIONS:

Article 1

Article 299(6)(b) of the Treaty establishing the European Community shall be replaced by the following:

'(b) This Treaty shall not apply to the United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus except to the extent necessary to ensure the implementation of the arrangements set out in the Protocol on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus annexed to the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the

Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union and in accordance with the terms of that Protocol.’

Article 2

1. The Sovereign Base Areas shall be included within the customs territory of the Community and, for this purpose, the customs and common commercial policy acts listed in Part One of the Annex to this Protocol shall apply to the Sovereign Base Areas with the amendments set out in the Annex.

2. The acts on turnover taxes, excise duties and other forms of indirect taxation listed in Part Two of the Annex to this Protocol shall apply to the Sovereign Base Areas with the amendments set out in the Annex as well as the relevant provisions applying to Cyprus as set out in the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union.

3. The acts listed in Part Three of the Annex to this Protocol shall be amended as set out in the Annex to enable the United Kingdom to maintain the reliefs and exemptions from duties and taxes on supplies to its forces and associated personnel which are granted by the Treaty of Establishment.

Article 3

The following Treaty and related provisions shall apply to the Sovereign Base Areas:

(a) Title II of Part Three of the EC Treaty, on agriculture, and provisions adopted on that basis;

(b) Measures adopted under Article 152(4)(b) of the EC Treaty.

Article 4

Persons resident or employed in the territory of the Sovereign Base Areas who, under arrangements made pursuant to the Treaty of Establishment and the associated Exchange of Notes dated 16 August 1960, are subject to the social security legislation of the Republic of Cyprus shall be treated for the purposes of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (1) as if they were resident or employed in the territory of the Republic of Cyprus.

Article 5

1. The Republic of Cyprus shall not be required to carry out checks on persons crossing their land and sea boundaries with the Sovereign Base Areas and any Community restrictions on the crossing of external borders shall not apply in relation to such persons.

2. The United Kingdom shall exercise controls on persons crossing the external borders of the Sovereign Base Areas in accordance with the undertakings set out in Part Four of the Annex to this Protocol.

Article 6

The Council, acting unanimously on a proposal from the Commission, may, in order to ensure effective implementation of the objectives of this Protocol, amend Articles 2 to 5 above, including the Annex, or apply other provisions of the EC Treaty and related Community legislation to the Sovereign Base Areas on such terms and subject to such conditions as it may specify. The Commission shall consult the United Kingdom and the Republic of Cyprus before bringing forward a proposal.

Article 7

1. Subject to paragraph 2, the United Kingdom shall be responsible for the implementation of this Protocol in the Sovereign Base Areas. In particular:

(a) the United Kingdom shall be responsible for the application of the Community measures specified in this Protocol in the fields of customs, indirect taxation and the

common commercial policy in relation to goods entering or leaving the island of Cyprus through a port or airport within the Sovereign Base Areas;

(b) customs controls on goods imported into or exported from the island of Cyprus by the forces of the United Kingdom through a port or airport in the Republic of Cyprus may be carried out within the Sovereign Base Areas;

(c) the United Kingdom shall be responsible for issuing any licences, authorisations or certificates which may be required under any applicable Community measure in respect of goods imported into or exported from the island of Cyprus by the forces of the United Kingdom.

2. The Republic of Cyprus shall be responsible for the administration and payment of any Community funds to which persons in the Sovereign Base Areas may be entitled pursuant to the application of the common agricultural policy in the Sovereign Base Areas under Article 3 of this Protocol and the Republic of Cyprus shall be accountable to the Commission for such expenditure.

3. Without prejudice to paragraphs 1 and 2, the United Kingdom may delegate to the competent authorities of the Republic of Cyprus, in accordance with arrangements made pursuant to the Treaty of Establishment, the performance of any functions imposed on a Member State by or under any provision referred to in Articles 2 to 5 above.

4. The United Kingdom and the Republic of Cyprus shall cooperate to ensure the effective implementation of this Protocol in the Sovereign Base Areas and, where appropriate, shall conclude further arrangements concerning the delegation of the implementation of any of the provisions referred to in Articles 2 to 5 above. A copy of any such arrangements shall be submitted to the Commission.

Article 8

The arrangements provided for in this Protocol shall have the sole purpose of regulating the particular situation of the Sovereign Base Areas of the United Kingdom in Cyprus and shall not apply to any other territory of the Community, nor serve as a precedent, in whole or in part, for any other special arrangements which either already exist or which might be set up in another European territory provided for in Article 299 of the Treaty.

Article 9

The Commission shall report to the European Parliament and the Council every five years on the implementation of the provisions of this Protocol.

Source:

http://europa.eu/eur-ex/pri/en/oj/dat/2003/l_236/l_23620030923en09310956.pdf#page=25

APPENDIX 43

TURKISH SUMMARY

KIBRIS SORUNU: DEVAMLILIK, DÖNÜŞÜM VE EĞİLİMLER

Bu tezin üç ana amacı vardır. Tez öncelikle, temel teorik yaklaşımları sorgulayarak, Kıbrıs sorununda yeni bir analize imkan sağlayan bir teorik çerçeve çizmeyi hedeflemektedir. İkinci olarak tez, tarihsel perspektif içerisinde aktörlerin pozisyonlarını ve uluslararası konjonktürü analiz ederek, Kıbrıs sorununda ortaya atılan çözüm önerilerinin hangi algılamalar ve politikalar üzerine inşa edildiğini ve bunların sürekli olarak Kıbrıs sorununu çözmede neden başarısız olduğunu analiz ederek, Kıbrıs sorunundaki devamlılık, dönüşüm ve eğilimleri tanımlamayı hedeflemektedir. Devamlılık, krizlerin sürekliliğini ve farklı barış görüşmelerinin, barış önerilerinin ve barış girişimlerinin sürekli olarak başarısız olmasını sağlayan faktör olarak değerlendirilmektedir. Tezde bu faktör Kıbrıs sorununa dahil olan aktörlerin hegemonya projelerinin analiz edilmesinde kullanılmaktadır. Dönüşüm ise hegemonya projelerinin neden ve nasıl değiştiğine işaret etmektedir. Kıbrıs sorununda ortaya çıkan iki ayrı egemenlik birikimi, manda yönetimini öngören egemenlik paylaşımı, Tayvan modeli, 1960 anayasal düzenine geri dönüş, sınıfsal düzen üzerinden bütünleşme ve KKTC'nin bağımsızlığı gibi eğilimler incelenerek, Kıbrıs sorunundaki gelişmelerin mantıksal çıkarsamaları ortaya koyulmaktadır. Üçüncü olarak tez, Kıbrıs sorunu ile ilgili AB'nin oluşturduğu hegemonya projesi üzerine odaklanarak, AB hegemonya projesinin nasıl ortaya çıktığını, diğer hegemonya projeleri, yerel ve uluslararası politik konjonktür ile olan ilişkisini, devamlılığını sağlayan noktaları, dönüşümüne neden olan faktörlerle, AB hegemonya projesinin başarıları ve başarısızlıklarını analiz etmektedir. Bu tezin temel argümanı şudur; şu ana kadar uluslararası ve yerel aktörler tarafından ortaya atılan çözüm önerileri, en son olarak da AB tarafından ortaya atılan Annan Planı,

sadece başarısızlığa sebep olmamakta, Kıbrıs sorununun bir paradigmadan diğerk bir paradigmaya dönüşmesine neden olmaktadır.

Kıbrıs sorunun uzun süreli bir problem olması nedeni ile devamlılık ve dönüşüm süreçlerini ortaya koyabilmek için geniş bir tarihsel analize ihtiyaç duyulmaktadır. Bu tezde neo-Gramscian çerçevede kullanılan hegemonya, hegemonya projeleri ve tarihsel blok gibi kavramlar kullanılarak, Kıbrıs sorunundaki dönüşüm süreçleri analiz edilmiştir. Bunu yaparken de ulusal ve uluslararası aktörlerin politikaları, stratejileri ve motivasyonları yedi tarihsel periyoda bölünerek incelenmiştir.

Birinci dönemde (1878-1959), Kıbrıslı Türklerle, Kıbrıslı Rumlar kendi hegemonya söylemlerini oluşturmuşlardır. Kıbrıslı Rumlar kendi hegemonya söylemini Enosis'i gerçekleştirme, Kıbrıs'ı Yunanistan'a bağlama olarak tanımlarken, Kıbrıslı Türkler ise kendi hegemonya söylemlerini adada Rum otoritesi altına girmeme, azınlık durumuna düşmemek için Enosis'in gerçekleşmesini önleme, eşitliklerini garanti altına alma ve güç paylaşımını sağlama şeklinde tanımlamışlardır. Uluslararası aktörler, Türkiye, Yunanistan ve İngiltere ise kendi hegemonya söylemlerini adanın stratejik önemine göre belirlemişlerdir. Yunanistan bu dönemdeki uluslararası konjonktür nedeniyle Enosis'in gerçekleştirilebilmesinin mümkün olmadığını algılamış, Türkiye ise, 1878 yılında Osmanlı İmparatorluğu'nun adayı İngiltere'ye devretmesinden sonra ilk kez yeniden Türkiye'nin Kıbrıs politikasında bir hukuki aktör olmasına olanak sağlayan taksim politikasını ve adanın Türkiye ve Yunanistan arasında paylaşımını, hegemonya söylemi olarak tanımlamıştır. Aslında Türkiye ikili bir politika belirlemişti. Türkiye bir taraftan adanın hukuki olarak Türkiye'ye ait olduğunu ve İngilizlerin adadan çekilmesi durumunda adanın resmi sahibi olan Türkiye'ye devredilmesi gerektiğini savunurken, bunun gerçekleşmemesi durumunda ikinci politika olarak Kıbrıslı Türklerin de desteklediği Taksim politikasını hayata geçirmeyi öngörmüştür.

İngiltere'nin en önemli amacı; adadaki varlığını sürdürmek ve ada üzerindeki gücünü muhafaza etmektir. Ortadoğu'daki ve Doğu Akdeniz'deki çıkarları nedeniyle İngiliz hükümetlerinin tamamı adadaki varlıklarını sürdürebilme yönünde politikalar üretmiş ve güçlerini konsolide etmişlerdir. 1878

yılından itibaren Rusya ve 1890 yılından itibaren Almanya ile olan ekişmesi ve de-kolonizasyon süreci içerisinde Süveyş kanalı krizi ile Doęu Akdeniz güvenlięinin saęlanabilmesi için Kıbrıs İngiltere açısından çok önemli bir stratejik konum saęlamakta ve bunlar İngiltere'nin Kıbrıs politikasının oluşumu, devamlılığı ve dönüşümünü etkilemekteydi. İngiltere'nin Kıbrıs'ta bulunan iki egemen üssü sayesinde genelde Ortadoęu bölgesini izlemesi ve bölgenin kontrolünü saęlayabilmesi, özelde ise Irak savaşını kontrol etmesi, bölgede potensiyel çatışma bölgelerini izleyebilmesi, kontrol edebilmesi ve dięer NATO ülkelerinin adada bulunan üsleri kendi ulusal çıkarları açısından kullanmalarına izin verebilme yetkisi nedeni ile adanın önemi Soęuk Savaş döneminde de İngiltere açısından hiçbir zaman azalmamıştır. Aksine zaman içerisinde adanın önemi İngiltere açısından sürekli olarak artmıştır. Ortadoęu ve Doęu Akdeniz'deki politik gelişmeler, İngiltere'nin Kıbrıs politikasının yeniden tanımlanmasına ve yeniden üretilmesine olanak saęlamış, adanın stratejik öneminin artmasına neden olmuştur. İngiltere'nin Kıbrıs politikasının yeniden üretilmesi ve tanımlanması sürecinde İngiltere iki noktaya çok dikkat etmiştir: Birincisi, adada bulunan Kıbrıslı Türklerle, Rumlar arasında var olan sorunun bir çatışmaya dönüşmesini engellemek ve ikinci olarak herhangi bir başka uluslararası gücün hukuki olarak Kıbrıs sorununa taraf olmasını önlemek. “Kıbrıs Cumhuriyeti” ile Avrupa Birlięi arasında imzalanan Katılım Anlaşması çerçevesinde adadaki İngiliz üslerinin AB topraęı deęil de İngiliz topraęı olarak tescil edilmesi, İngiltere açısından başka bir uluslararası gücün Kıbrıs sorununda hukuki bir aktör olarak girmesini önlemenin ne kadar önemli olduęunun bir göstergesidir. Amerika Birleşik Devletleri adada kendi çıkarları için bir üs elde etmenin düşüncesinde olsa bile genellikle İngiliz politikasına saygı göstermiş ve adadaki İngiliz üslerini kendi çıkarları için kullanmıştır. Rusya ise Kıbrıs sorununa AKEL aracılığı ile müdahil olarak Doęu Akdeniz güvenlik politikaları içerisinde söz sahibi olmaya çalışmıştır. Buradaki önemli nokta; Kıbrıs coęrafik olarak küçük bir ada olmasına rağmen, önemli uluslararası aktörler kendi gerekçeleri ve kendi ulusal çıkarları açısından Kıbrıs sorununa müdahil olmaya çalışmışlar, en azından başka bir aktörün Kıbrıs sorununda hukuki bir aktör haline gelmesini engellemeye çalışmışlardır.

De-kolonizasyon süreci Kıbrıslı Rumlara adanın hukuki statüsünü değiştirmek açısından bir fırsat yaratmıştır. De-kolonizasyon sürecinin ortaya attığı self-determinasyon kavramını kullanarak adanın bağımsızlığını talep etmeye başlayan Kıbrıslı Rumlar, Kıbrıslı Türklerin self-determinasyon haklarını kullanmalarını engellemeye çalışmışlardır. Kıbrıslı Rumların bu çelişkisi, adanın bağımsızlığını engellerken, İngilizlerin hem adadaki varlıklarını südürebilmelerine imkan sağlamış, hem de İngilizler Kıbrıslı Türkleri cesaretlendirerek bir takım politik hakları talep etmelerine vesile olmuşlardır. Böylece Kıbrıslı Rumların talepleri dengelenmeye çalışılmıştır. İngilizler sadece Kıbrıslı Türkleri değil, aynı zamanda Türkiye'yi de cesaretlendirmişlerdir. Türkiye'nin Osmanlı İmparatorluğu'nun resmi varisi olarak adanın olası bir bağımsızlık durumunda Türkiye'ye verilmesi gerektiği resmi politikası İngiltere'nin cesaretlendirmesi sonucu ortaya çıkmıştır. İngiltere'nin buradaki temel politikası Rum taleplerini Türk talepleriyle dengeleyerek adadaki varlığını idame ettirmek olarak değerlendirilmelidir. Kıbrıslı Rumlar Enosis'i gerçekleştirebilmek için üniter devlet modelini bir araç olarak talep ederken, bu model içerisine Kıbrıslı Türkleri dahil etmeyi düşünmemişlerdir. Bunu başaramadıklarından dolayıdır ki Kıbrıs Türk toplumu hegemonya söylemini daha da sertleştirmiştir. De-kolonizasyon süreci içerisinde şekillenen hegemonya söylemleri, 1960 yılında kısa ömürlü bir tarihsel bloğun ortaya çıkmasına neden olmuştur.

İkinci dönemde (1960-1974), Kıbrıs sorunu Soğuk Savaş politikaları içerisinde şekillenmiştir. Bu dönem içerisinde hegemonya söylemleri hegemonya projelerine dönüşmüştür. Zurich ve Londra anlaşmalarının imzalanmadan önceki tartışmalarına baktığımız zaman Kıbrıslı Türklerle Kıbrıslı Rumların neredeyse her konuda farklı görüşlere sahip olmaları, 1960 yılında ortaya çıkan tarihsel bloğun oluşmasında çok fazla rol oynamadıklarını ortaya çıkarmaktadır. Tarihsel blok Türkiye, Yunanistan ve İngiltere arasında oluşmuş, Kıbrıslı Türkler de bu oluşan tarihsel bloğa destek vermişlerdir. 1960 anlaşmalarını bir geçiş dönemi olarak değerlendiren Kıbrıslı Rumlar ise bu bloğa kerhen destek vermişlerdir. Kıbrıslı Rumlara göre İngiltere'den kurtularak bağımsızlığı kazanmak Enosis hedefini gerçekleştirmek için önemli bir adımdı. Dolayısıyla, Zurich ve Londra görüşmelerinde Kıbrıslı Rumların hegemonya söylemi self-determinasyon

kavramını kullanarak Enosis'i gerçekleştirmek olarak devam ederken, Kıbrıslı Türklerin hegemonya söylemi ise Enosis'in gerçekleşmesini önleme ve Kıbrıslı Türklerin eşitliğini sağlama olarak devam etmiştir. 1960 yılında imzalanan Zürih ve Londra anlaşmaları uluslararası aktörlerin kendi hegemonya söylemlerini konsolide etmelerine olanak sağlamıştır. Bu anlaşmalar, Yunanistan'a tarihte ilk kez Kıbrıs sorununda hukuki bir aktör olma imkanı sağlarken, Türkiye'ye 1878 yılından sonra yine Kıbrıs sorununda hukuki bir aktör olma imkanı vermiştir. İngiltere ise Kıbrıs'ta iki egemen üsse sahip olarak kendi ulusal çıkarlarını koruma açısından önemli bir stratejik avantaj elde etmiştir.

1963 yılı Kıbrıs tarihinde önemli bir dönüm noktasını oluşturmaktadır. Kıbrıslı Rumların 13 maddelik anayasa değişikliği önerisi ile 1960 anlaşmaları ile oluşturulan anaysal düzenin federal karakteri ile güç paylaşımı mekanizmalarını ortadan kaldırarak üniter bir devlet düzeni kurmayı hedeflemesi Kıbrıslı Türklerle Kıbrıslı Rumlar arasındaki çatışmayı ve farklılıkları bir kez daha ortaya koydu. Kıbrıslı Rumların bu hareketi Kıbrıs sorununda önemli bir dönüm noktasını oluşturmaktadır. Kıbrıslı Rumların amacı; 1960 yılında ortaya çıkan tarihsel bloğu ortadan kaldırarak Soğuk Savaş döneminin en güncel kavramlarından birini oluşturan self-determinasyon kavramını kullanıp kendi egemenlikleri altında üniter devlet modelini hayata geçirmektir. Aslında Kıbrıslı Rumlar Kıbrıs sorununu uluslararasılaştırarak yeniden üretme amacındaydılar. Kıbrıslı Türkler ise Kıbrıslı Rumların bu politikasına karşılık, hali hazırda var olan siyasal eşitliklerini koruma ve adada azınlık statüsüne düşmeme hegemonya söylemlerine varlıklarını koruma ve idame ettirme gibi argümanları da eklediler. Adada bunlar olurken, İngiltere ve Amerika Birleşik Devletleri ise Soğuk Savaş dönemi gerçekleri içerisinde hareket etmekte ve olayları kendi ulusal çıkarları açısından değerlendirmekteydiler. Hem İngiltere hem de Amerika Birleşik Devletleri için önemli olan hem bölgedeki istikrarın bozulmasını önlemek hem de NATO üyesi olan Yunanistan ve Türkiye arasında olası bir çatışmanın engellenerek NATO içerisindeki istikrarın korunmasıydı.

Üçüncü dönem (1974-1983), 1974 yılında gerçekleştirilen askeri müdahale ile 1963 yılında Kıbrıs'ta ortaya çıkan de facto bölünme ve 1960 yılında oluşturulan tarihsel bloğun tamamen ortadan kalkması sürecinin tamamlanması

sonucunda doğmuştur. Türkiye'nin gerçekleştirdiği Barış Harekatı ile birlikte ada Kıbrıslı Rumların yoğun olarak yaşadığı güney ve Kıbrıslı Türklerin yoğun olarak yaşadığı kuzey olarak ikiye bölündü ve bunun sonucunda hem Kıbrıslı Türkler hem de Kıbrıslı Rumlar hegemonya projelerini yeniden tanımladılar. Kıbrıslı Rumların hegemonya projesi, Enosis'i gerçekleştirmekten Kıbrıs sorununu uluslararasılaştırarak üniter devleti yaratmaya dönüşmüştür. Kıbrıslı Türklerle Türkiye ise 1974 yılındaki askeri başarılarını siyasal kazanımlarla somut kazanımlara dönüştürmeye çalışmışlardır. Bu süreç içerisinde Kıbrıslı Türklerle Türkiye adadaki siyasal eşitliği iki bölge, iki toplumlu federal çözüm içerisinde gerçekleştirebileceklerini düşünerek hegemonya projelerini bu temel üzerinden yeniden tanımlamışlardır. 1974 yılından önce siyasi eşitliklerini ve varlıklarını yerel otonomi içerisinde koruyabileceklerini düşünen Kıbrıslı Türkler, 1974 yılından sonra Kıbrıs sorununun federal sistem içerisinde çözülmesini talep etmeye başladılar. Bir başka deyişle, Kıbrıslı Türkler hegemonya projesini ve taleplerini bir üst noktaya çıkarmışlardır. Bu dönem içerisinde, Kıbrıs'ta ileriki yıllarda ortaya çıkan müzakere süreçlerini oldukça etkileyen birbiriyle mücadele içerisinde olan Kıbrıslı Türk ve Kıbrıslı Rum hegemonya projeleri ortaya çıkmıştır. Bu dönem içerisindeki en önemli olaylardan biri de 12 Şubat 1977 tarihinde Kıbrıs Türk toplumu lideri Rauf Denktaş'la, Kıbrıs Rum toplumu lideri Makarios arasında imzalanan Doruk Anlaşması'dır. Bu anlaşma ile Kıbrıs sorununa bulunacak çözümün temel parametreleri ortaya konmuştur. Anlaşma olası bir çözümün iki bölge, iki toplumlu federal bir yapıyla çözülebileceğini vurgulaması bakımından son derece önemlidir. Bunun devamı niteliğinde olan 10 maddelik bir başka anlaşma ise, 18 Mayıs 1979 tarihinde Denktaş ve Kyprianou arasında imzalanmıştır. Bu anlaşma Doruk Anlaşması temel ilkelerini teyit etmesi bakımından önem taşımaktadır. Anlaşmalarla temel çerçeve çizilmesine rağmen anayasal konulardaki farklılıklar tarafların ortak bir çözüm önerisi üzerinde buluşmalarını engellemiştir.

Dördüncü dönemde (1983-1990) Kuzey Kıbrıs Türk Cumhuriyeti'nin (KKTC) 1983 yılında ilan edilmesi ve Kıbrıslı Rumların 1990 yılında Avrupa Birliği'ne (AB) tam üyelik için tek taraflı olarak başvuru yapması, adada halihazırda var olan iki toplum arasındaki görüş ayrılıklarının ve güvensizliğin

daha da derinleşmesine neden olan iki önemli olaydır. Kıbrıslı Türkler her ne kadar bağımsızlıklarını ilan etmişlerse de federal çözüme dayalı hegemonya projelerini tamamen ortadan kaldırmamışlar, federal çözümü öngören hegemonya projelerini iki devlet veya konfederal çözüme dönüştürmüşlerdir. Avrupa Birliği ise politikalarını Kıbrıslı Türklere ve Türkiye'ye herhangi bir siyasi avantaj sağlamama ve Kıbrıs sorununda çözüm önündeki tek engelin Kıbrıslı Türkler olduğuna dair yanlış bir değerlendirme üzerine inşa etmiştir. Böylelikle, Kıbrıs sorunu bir AB sorunu haline dönüşmüştür. Bu noktadan itibaren, AB Kıbrıs sorununda son derece etkili ve aktif bir hale gelmiştir. Ayrıca AB ortaya koyduğu strateji ile de Kıbrıslı Rumların uzun vadeli hegemonya projesinin konsolide edilmesine olanak sağlamıştır.

Beşinci dönemde (1990-1999) Kıbrıslı Rumlar üniter devleti yaratmayı amaçlayan hegemonya projelerini AB tam üyelik başvurusu ve sonraki dönemlerdeki katılım süreci içerisinde konsolide etme imkanına sahip olmuşlardır. Böylece adadaki siyasi dengeleri kendi lehine dönüştürmeyi başarmışlardır. AB Komisyonu 30 Haziran 1993 tarihinde “Kıbrıs Cumhuriyeti'nin” yapmış olduğu tam üyelik başvurusu ile ilgili yayınladığı değerlendirmede yapılan başvuruyu tüm ada adına kabul ettiklerini ve üyelikten önce Kıbrıs'ta çözüme ulaşılması gerektiğinin bir şart olduğunu ortaya koymuştur. Bu görüşle Rumlar AB'nin Kıbrıslı Rumlara kendi ulusal çıkarlarını gerçekleştirmek için uygun zemin yarattığı hissine kapılmışlardır. Kıbrıslı Rumların 1990 yılından itibaren başlayan toplumlararası görüşmelerde ve güven artırıcı önlemler paketi görüşmelerinde istekli davranmamasının nedeni budur. Kıbrıslı Rumlar AB'ye tüm ada adına başvuru yaparak adanın tek egemen gücünün kendileri olduğu mesajını vermişlerdir. Kıbrıslı Rumların bu tek yanlı başvurusuna Kıbrıslı Türkler sert tepki göstermiştir. 1960 anlaşmalarına göre Türkiye ve Yunanistan'ın üye olmadığı örgütlere “Kıbrıs Cumhuriyeti'nin” de üye olamayacağını savunan Kıbrıslı Türklerin bu değerlendirmesi uluslararası aktörler tarafından çok fazla dikkate alınmamıştır. Kıbrıslı Rumlar ve Yunanistan AB üyeliği için başvuru yaparken Kıbrıs'ın AB üyeliğinin adanın yeniden birleşmesi için katalizör rolü yapacağını ve adayı yeniden birleştirilebileceğini söylemekteydi. Aslında, yapılan başvuru ekonomik nedenlerden çok siyasal amaçlar hedeflemekteydi. Tam üyelik sadece

Kıbrıs sorunun çözümünde katalizör olmayacak, aynı zamanda AB'nin Kıbrıslı Rumlara özellikle Türkiye ile olan ilişkilerinde ciddi bir koruma ve destek sağlayacaktı. Bir başka deyişle, Kıbrıslı Rumlar ve Yunanistan AB tam üyelik başvurusunu Kıbrıslı Türkler ve Türkiye üzerinde AB desteğini de alarak ciddi bir siyasi baskı oluşturup kendi hegemonya projelerini kabul ettirebilmenin bir aracı olarak görmekteydiler. Kıbrıslı Rumlar ve Yunanistan tarafından ortaya konan ve son derece dikkatlice hazırlanmış bu stratejiyi Neill Nugent üç önemli noktayı vurgulamasından dolayı oldukça önemli olarak tanımlamaktaydı. Neill Nugent'e göre bu başvuru; a) "Kıbrıs Cumhuriyeti"nin adanın tek egemen siyasi otoritesi olduğunun mesajını vererek, yapılacak olan tüm katılım müzakerelerinin sadece "Kıbrıs Cumhuriyeti ile yapılması gerektiğini ortaya koyması; b) Uluslararası anlamda tanınmayan Kuzey Kıbrıs Türk Cumhuriyeti'nin, AB-"Kıbrıs Cumhuriyeti" arasındaki ilişkilere ipotek koymasının mantıklı olmadığını mesajını vermesi; c) "Kıbrıs Cumhuriyeti'nin", AB'nin tüm kriterlerini yerine getirdiği, AB müktesebatına uyum için gerekli tüm çalışmaları yaparak AB tam üyeliğine hazır olduğu mesajını vermesi açısından oldukça önemliydi. 1994 yılında Korfu adasında gerçekleştirilen AB Konseyi toplantısında, 30 Haziran 1993 tarihinde AB Komisyon görüşünün aksine, alınan kararla Kıbrıs'ta çözüm olsun veya olmasın "Kıbrıs Cumhuriyeti"nin AB'ye katılım müzakereleri sonucunda tam üye olabileceğinin açıklanmasıyla AB, Kıbrıslı Türklerle Kıbrıslı Rumlar arasında var olan görüş ayrılığının daha da artmasına ve derinleşmesine neden olmuştur. 1995 yılında gerçekleştirilen AB Bakanlar Konseyi toplantısı sonucunda AB, "Kıbrıs Cumhuriyeti"ni gerçekleştirecek olan ilk genişleme sürecinde tam üye olarak kabul etmek istediklerini ve 1996 yılında gerçekleştirilecek olan hükümetlerarası konferanstan altı ay sonra tam üyelik müzakerelerine başlanacağını açıklayınca adadaki tüm dengeler Kıbrıslı Rumlar lehine dönmeye başladı. 1995 yılında alınan bu karar aslında AB-Türkiye ve Yunanistan üçgeni arasında bir uzlaşmayı da ortaya çıkarmıştır. Türkiye AB'nin aldığı bu karara itiraz etmeyecek, buna karşılık olarak da AB ile Türkiye arasında Gümrük Birliği Anlaşması imzalanacaktı. Ancak bu uzlaşma Kıbrıs'ta bir daha geri döndürülemez bir sürecin de başlangıcını oluşturacaktı. AB bu kararı ile Kıbrıs'ta müzakereler yoluyla bir çözüme ulaşma hedefini negatif anlamda

etkilemiştir. Kıbrıslı Rumlar için esas hedef artık BM şemsiyesi altında gerçekleştirilen müzakere süreçleri değildir, AB katılım süreci müzakereleri çok daha önemli bir noktaya gelmiştir. Yunanistan'ın AB içerisindeki etkisi nedeniyle de Kıbrıslı Rumlar, Kıbrıslı Türklere ve Türkiye'ye karşı çok daha katı bir tutum sergilemeye başladılar. Yunanistan'ın AB'yi eğer "Kıbrıs Cumhuriyeti"nin tam üye olarak kabul edilmemesi durumunda AB'nin doğu genişlemesini açıkça veto edeceği tehdidi, AB'nin Kıbrıslı Türklerin taleplerini görmezden gelmesine neden oldu. AB'nin tek yanlı politikaları adadaki müzakere sürecini de olumsuz etkilemiş, adada yeniden birleşmeyi sağlamak yerine adada 1974 yılından beri iki toplum arasında var olan güvensizlik ortamını en düşük seviyeye ulaştırmıştır. Kıbrıslı Türkler pozisyonlarını daha da sertleştirmişler ve hegemonya projelerini siyasi eşitliğin ancak devlet ve egemenlik üzerinden garanti altına alınabileceği ifadesi ile yeni bir temele oturtmuşlardır. Bu yeni temel konfederasyondur. Bir başka deyişle federal çözüm öngören Kıbrıslı Türk hegemonya projesi bu süreç içerisinde konfederal çözüm öngören bir hegemonya projesine dönüşmüştür.

1997 yılı Kıbrıs sorunu açısından önemli bir dönüm noktası olmuştur. Bu dönemde Kıbrıslı Türklerle Kıbrıslı Rumlar arasındaki ilişki oldukça bozulmuş ve her iki tarafın hegemonya projeleri ciddi şekilde revize edilmiştir. AB'nin almış olduğu iki önemli karar her iki tarafın kendi hegemonya projelerini revize etmesine neden olmuştur. Birinci önemli gelişme, 1997 Temmuz'unda AB Komisyonu yayınladığı Ajanda 2000 belgesi ile 1997 yılında BM çatısı altında gerçekleştirilen müzakerelerin başarısızlıkla sonuçlanmasının sorumlusu olarak Kıbrıslı Türkler göstermiş, çözüme yönelik müzakerelerin başarısızlıkla sonuçlanması halinde uluslararası hukuk tarafından adanın tek resmi otoritesi olarak tanımlanan "Kıbrıs Cumhuriyeti" ile katılım müzakerelerinin hemen başlanacağı mesajı vermiştir. Böylece Kıbrıslı Türkler üzerinde AB stratejisinin bir parçası olan baskı mekanizmasının oluşturulması hedeflendi. Ancak bu karar, beklenen etkinin tam tersi tepki yaratarak Kıbrıslı Türklerin görüşme masasından ayrılmasına neden olmuştur. Böylece Kıbrıslı Türkler AB ile "Kıbrıs Cumhuriyeti" arasında devam eden katılım görüşmelerinin acil olarak durdurulmasını ve KKTC'nin tanınmasını talep etmeye başlamışlardır. Ajanda 2000 sadece Kıbrıslı Türklerle Türkiye'nin BM müzakerelerine olan bakışını değil, aynı zamanda Kıbrıslı Türklerle

Türkiye'nin Kıbrıs sorununda olası bir çözüme yönelik bakışlarını da değiştirmiştir.

1997 yılındaki ikinci önemli gelişme ise Aralık 1997 yılında gerçekleştirilen AB Luxemburg Konsey toplantısıdır. Luxemburg Konsey toplantısında tam üyelik için başvuran ülkeler üç gruba ayrılarak, Kıbrıs Cumhuriyeti diğer Doğu Avrupa ülkeleri ile birlikte ilk genişleme dalgası içerisinde yer almıştır. Türkiye'ye adaylık statüsünün verilmemesi ve Türkiye'nin AB tarafından reddedilen tek ülke olması, AB stratejisinin içinin ne kadar boş olduğunu göstermekle kalmayıp, AB-Türkiye ve Kıbrıs üçgenindeki ilişkilerin de ciddi şekilde bozulmasına neden olmuştur. Bu kararlar güç dengesi tamamen Kıbrıslı Rumlar lehine değişmiştir. Bu karar, hem Kıbrıslı Türklerin hem de Türkiye'nin hegemonya projelerinin tamamen AB'nin aldığı kararlara endekslenmesine, AB kararlarına tepki olarak yeniden tanımlanmasına ve üretilmesine neden olmuştur. AB'nin "Kıbrıs Cumhuriyeti" ile arasında devam eden katılım sürecine paralel olarak KKTC ile Türkiye arasında da paralel adımların atılarak KKTC ile Türkiye'nin entegrasyona gideceği duyurulmuştur. Bir başka deyişle, AB kararları Kıbrıslı Türklerle Türkiye'yi bir tepki politikası oluşturmaya ve AB ile olan tüm ilişkilerini dondurmaya itmiştir. 23 Nisan 1998 tarihinde KKTC ile Türkiye arasında imzalanan ortak deklarasyonla "Konfederasyon" Kıbrıslı Türklerin kabul edebileceği tek formül olarak tanımlanmıştır.

Bu olumsuz tablo, AB'nin Aralık 1999 AB Helsinki Konsey toplantısında aldığı kararla değişmeye başlamıştır. Luzemburg Zirvesi'nde hayata geçirilen dışlayıcı strateji Helsinki Zirvesi'nde yerini işbirliğine bırakmıştır. Türkiye'ye Helsinki kararlarıyla birlikte adaylık statüsünün verilmesi, Türkiye ile diğer aday ülkeler arasındaki farklılığı ortadan kaldırmış ve güç dengesini yeniden sağlamıştır. Helsinki Zirvesi'nde Kıbrıs ile ilgili de çok önemli bir karar alınmıştır. Helsinki Zirvesi, "Kıbrıs Cumhuriyeti'nin" katılım müzakereleri tamamlanmadan önce adada bir çözüme ulaşılabilmesi durumunda çözümün "Kıbrıs Cumhuriyeti" için bir şart olmaktan çıkacağını ve AB'nin tüm ilgili faktörleri dikkate alarak karar vereceğini deklere etmiştir. Aslında tüm ilgili faktörler derken AB kendine son karar için bir hareket alanı bırakma niyetindeydi. Ancak bu kararı alırken AB

Kıbrıslı Türkleri çözümü engelleyen taraf olarak değerlendirmekte ve olası “Kıbrıs Cumhuriyeti” üyeliğinde ortaya çıkacak Türk eleştirilerine karşılık bunu bir koz ve baskı unsuru olarak kullanmayı hedeflemektedir. AB ayrıca, Türkiye’ye birtakım avantajlar sağlayarak Türkiye’nin Kıbrıs Türk liderliğini etkileyip baskı oluşturmağını düşünmekte, böylece adada çözüme gitmeyi hedeflemektedir. Şunu açıkça belirtmek gerekir ki; Helsinki Konsey kararları Türkiye’nin üyeliğini tamamen Kıbrıs’ın üyeliğine bağlamıştır. Zirve toplantısı öncesinde Türkiye, kendi üyeliği ile “Kıbrıs Cumhuriyeti’nin” üyeliği arasında herhangi bir ilişki bulunmadığının ve bunların iki ayrı süreç olduğunun garantisini almaya çalışmış ve AB’den yazılı garanti istemiştir. Zirve toplantısından iki gün önce 10 Aralık 1999 tarihinde, AB’nin Genişlemeden Sorumlu Komiseri Gunter Verheugen ile AB Yüksek Temsilcisi Javier Solana, dönemin AB Konsey Başkanı Paavo Lipponen’in yazılı garantisini içeren mektubunu Başbakan Bülent Ecevitte ilettiler. Mektuba göre, AB’nin esas amacının Kıbrıs’ta bir siyasi çözümün bulunması olduğu vurgulanırken, “Kıbrıs Cumhuriyetinin” üyeliğinde ilgili tüm faktörlerin dikkate alınacağı söylenmekteydi. Aynı zamanda Türkiye’ye diğer adaylardan farklı yeni kriterlerin uygulanmayacağı garantisini de verilmekteydi. Başbakan Ecevit de Lipponen’in mektubunu memnuniyetle karşılayarak, Helsinki Zirvesi’ne katılmıştır. Ancak bu yazılı garantiye karşın, ortaya çıkan sonuç mektupta belirtildiği gibi olmadı. Türkiye’nin üyelik süreci “Kıbrıs Cumhuriyetinin” üyelik sürecine endekslenmiş oldu. Prof. Mustafa Türkeş, AB’nin bu stratejisini taktiksel ricat ve Türkiye’nin yeniden masaya döndürülmesini amaçlayan bir politika olarak tanımlamaktadır. Buradaki bir başka önemli nokta ise AB yetkilileri arasında Lipponen mektubundan haberdar olan çok az sayıda yetkilinin olduğudur. Mektup müktesebatın bir parçası haline gelmemiştir. Bu nedendir ki, Thomas Diez, Türkiye’nin aslında AB tarafından aldatıldığını söylemektedir. Helsinki Zirvesi’nde alınan kararlarla birlikte Kıbrıs sorunu bir AB-Türkiye sorunu haline dönüşmüştür.

Altıncı dönemde (1999-2004), Kıbrıs sorununda ilk kez daha önce gündeme gelen değişik çözüm önerilerinin bileşiminden ortaya çıkan ilk kapsamlı çözüm planı “Annan Planı” ortaya kondu. Annan Planı gereği yapılan referandum sonucu Avrupa Birliği’nin tek taraflı baskısı ve Kıbrıslı Rumlara verdiği açık destek ile Kıbrıslı Rumların politikalarını ve stratejilerini meşrulaştıran tek yanlı

tutumu, Kıbrıs sorununu çözmeye başarısız olduğunu ve önemli bir fırsatın kaçtığı gerçeğini ortaya koymaktadır. Son dakikaya kadar, AB yetkilileri ve politika yapımcıları Annan Planı'nın Kıbrıslı Rumlar tarafından reddedilebileceğine hiçbir ihtimal vermiyorlardı. AB yetkilileri sürekli olarak, Annan Planı'nın hazırlanma aşamalarında Kıbrıs Rum liderliği tarafından Rumların çözüm istediklerine dair ikna edildiklerini belirtip çözüm önünde tek engelin o güne kadar çözüm istemeyen Kıbrıs Türk tarafı olduğu ve dolayısıyla tüm baskının Kıbrıslı Türkler üzerinde yoğunlaştırılması gerektiğini savunuyorlardı. Referandum sonucu, AB yetkililerinin bu değerlendirmelerinin ve stratejilerinin Kıbrıs sorununu yanlış algılamak ve analizler üzerine inşa ettiklerinin somut örneğiydi.

Annan planı referandum sonuçları Kıbrıslı Türklerle Kıbrıslı Rumlar arasındaki farklılığın kapatılmasının ve adanın yeniden birleştirilebilmesinin ne kadar zor olay olduğunu göstermiştir. Kıbrıs Türk tarafına baskı uygulayan, Kıbrıslı Rumların üniter devleti yaratmasını amaçlayan hegemonya projesini destekleyen hatta Kıbrıslı Rumları cesaretlendiren ve Kıbrıslı Türkleri neredeyse azınlık statüsünde değerlendiren AB ve diğer uluslararası aktörlerin stratejisi referandum sonucunda başarısızlıkla sonuçlanmış ve yine Kıbrıs sorununda bir çözüm planının uygulanması imkansız hale gelmiştir. 24 Nisan 2004 tarihinde yapılan referandumda tarihsel bir blok ortaya çıkmamış, Kıbrıs'ta çözümsüzlük süregelmiştir. Taraflar hegemonya projelerini yeniden üretme süreci içerisine girmişlerdir. Kıbrıslı Rumların hegemonya projesi üniter devleti gerçekleştirme olarak devam ederken, Kıbrıslı Türkler AB ile "Kıbrıs Cumhuriyeti" arasında devam eden katılım süreci çerçevesinde yeniden tanımlanmış ve yeniden üretilmiştir. Zamana ve siyasi konjonktüre bağlı olarak Kıbrıs Türk hegemonya projesi değişime uğramış, federal çözümden konfederal çözüme yani iki devlet formülüne dönüşmüştür. Siyasi terminolojideki bu değişim aslında 1959 yılından itibaren Kıbrıs Türk hegemonya projelerindeki bir devamlılığı da göstermektedir. Kıbrıslı Türkler için esas olan Kıbrıslı Türklerin siyasi eşitliğini ve egemenliğini koruyan, adada azınlık durumuna düşmelerini engelleyen bir çözümün sağlanmasıdır: Bu çözümün nasıl adlandırıldığından öte Kıbrıslı Türkler için olmazsa olmaz olan ilkeleri garanti altına alan bir çözümün gerçekleştirilebilmesi önemlidir.

Bu süreç içerisinde bir başka önemli belirleyici faktör ise AB ile Türkiye arasında gerçekleştirilen katılım müzakereleridir. AB-Türkiye ilişkilerinin gelişim süreci içerisinde Kıbrıslı Türkler hegemonya projelerini yeniden tanımlayıp, üretmişlerdir. Luxemburg Konseyi'nde Türkiye'ye adaylık statüsünün verilmemesiyle birlikte Kıbrıslı Türkler federal çözümden konfederal çözüme dönmüş, ancak AB Helsinki Konsey toplantısında Türkiye'ye adaylık statüsünün verilmesiyle birlikte Kıbrıslı Türkler hegemonya projelerini konfederal çözüm yerine federal çözüm temelinde yeniden tanımlamıştır. 2002 yılında Türkiye-AB ilişkilerinin bozulmasıyla Kıbrıslı Türkler yeniden konfederal çözümü içeren hegemonya projesine geri dönmüşlerdir. Bütün bu değişimler, Kıbrıs Türk hegemonya projelerinin Türkiye dış politika çıkarlarına ve Türk dış politikasındaki değişikliklere paralel olarak yeniden tanımlanmış ve üretilmiş olduğunu göstermektedir.

Annan Planı'nın Kıbrıslı Rumlar tarafından reddedilmesi -bütün farklı açıklamalara ve çözüm isteyen tarafın Kıbrıs Rumları olduğuna dair görüşlerin aksine- Kıbrıslı Rumların esas amacının kendi egemenlikleri altında bir üniter devlet yaratmak olduğunu ortaya koymaktadır. Açıkçası, Kıbrıslı Rumlar 1963 yılından itibaren tek taraflı olarak kullandıkları "Kıbrıs Cumhuriyet"indeki haklarını Kıbrıslı Türklerle paylaşma noktasından uzaktır. Bu da Kıbrıslı Türklerin siyasi eşitliğini tanımadan uzak olduklarını ortaya koymaktadır. Annan Planı referandumu Kıbrıslı Türklerle Kıbrıslı Rumlar arasındaki farklılığın ve güvensizliğin kapanamayacak kadar fazla olduğunu, bir taraf için çözüm olarak değerlendirilen noktaların diğer taraf için ciddi bir problem olduğunu göstermiştir. Bir başka ifadeyle mücadele halinde olan her iki tarafın hegemonya projeleri olası bir çözümü engellemektedir.

Annan Planı referandumu AB'nin problem çözme yeteneğini sınan ve AB'nin problem çözmede yetersiz olduğunu ispatlayan önemli bir testti. Bu başarısızlığın en önemli nedeni ise AB'nin stratejisini yanlış varsayımlar üzerinde inşa etmesiydi. AB stratejisini Kıbrıs sorununda çözüm önündeki tek engelin tamamen Kıbrıs Türk tarafı olduğu üzerine inşa etti. İngiltere'nin Kıbrıs Özel Eski Temsilcisi David Hanay ile yaptığım mülakatta da AB'nin bu stratejisi konfirme edilmiştir. AB ayrıca Kıbrıslı Türklerle Türkiye'ye herhangi bir siyasi avantaj

vermeme üzerine de bir strateji inşa etmiştir. AB'nin bir diğer önemli yanışı da Kıbrıs sorununun 1974 yılında başladığı üzerine tüm stratejisini ve söylemini kurmuş olmasıdır. Halbuki Kıbrıs sorunu 1974 yılında değil, 1960 yılından itibaren başlamış, 1963 yılında ise önemli bir dönüşüm gerçekleştirmiş ve uluslararasılaşmıştır. Dolayısıyla Kıbrıs sorununu 1974 yılından başlatmak ve bu tarihten itibaren incelemek AB yetkililerinin Kıbrıs sorununu analiz ederken yanlış temeller üzerinde durduklarını ve yanlış analizler yaptıklarını göstermektedir. Yanlış temeller üzerinde oluşturulan AB Kıbrıs politikası, sorunu çözmek yerine, Kıbrıslı Rumları cesaretlendirerek onların daha katı bir pozisyon almasına neden olmuş ve Kıbrıslı Rumların üniter bir devlet modeli dışında diğer tüm çözüm önerilerini reddetmesine neden olmuştur.

AB hegemonya projesinin başarısızlıkla sonuçlanması, Kıbrıs'ta 1960 yılında olduğu gibi bir tarihsel bloğun oluşmasını engellemiş ve Kıbrıs sorununda yeni bir konjonktürün ortaya çıkmasına neden olmuştur. AB Kıbrıs sorununu çözmek yerine, Kıbrıs sorunundaki paradigmalardan değişmesine, Kıbrıs sorunun yeniden üretilmesine ve Kıbrıs sorununun daha karmaşık bir hale gelmesine neden olmuş; çözüm isteyen Kıbrıslı Türklerin tüm ümitlerinin yok olmasına ve büyük bir hayal kırıklığına uğramalarına sebebiyet vermiştir.

Kıbrıs Türk hegemonya projeleri Kıbrıs Rum hegemonya projelerine, politikalarına ve stratejilerine tepki olarak ortaya çıkmış, zamana ve siyasal konjonktüre bağlı olarak yeniden tanımlanmış ve üretilmiştir. Kıbrıslı Rumların sürekli olarak Kıbrıs sorununu uluslararasılaştırıp Kıbrıslı Türklerle Türkiye üzerine baskı koyarak üniter devlet modelini gerçekleştirmeye çalışmasına karşılık, Kıbrıslı Türkler sürekli olarak hegemonya projelerini ve taleplerini artırarak Kıbrıs Rum hegemonya projesini dengelemeye çalışmışlardır. Kıbrıs sorunundaki bu eğilimin yakın bir gelecekte de devam edeceği görülmektedir.

AB'nin bir başka önemli yanışı da argümanlarını temelde kişiler üzerine endekslemesiydi. AB'ye göre Kıbrıs'ta çözüm önünde en büyük engel Kıbrıs Türk toplumu lideri Rauf Denktaş'tı. Rauf Denktaş'ın elimine edilmesiyle birlikte Kıbrıs'ta çözümün önünün açılacağı görüşü hakimdi. Halbuki, Annan Planı referandum sonuçları Kıbrıs gibi bir tarihsel sorunun sadece kişiler üzerine endekslenemeyecek kadar kapsamlı olduğunu göstermiştir. AB hâlâ bugün aynı

hatayı yapmaya devam etmekte, bugün için Kıbrıs Rum toplumu lideri Tasos Papadopoulos'u çözüm önünde en büyük engel olarak değerlendirmektedir. Yine kişilere dayalı bu yaklaşım AB'nin hâlâ Kıbrıs sorunundaki temel sorunu algılayamadığını ve Kıbrıs politikasını yine yanlış temeller üzerine inşa ettiğini göstermektedir. Annan Planı referandumu ve AB'nin yanlış politikaları ve algılamaları adadaki bölünmenin konsolide edilmesine ve bölünmenin kalıcı olmasına neden olmuştur.

Kıbrıs sorununa taraf olan aktörlerin Kıbrıs politikalarını değerlendirdiğimiz zaman bazı farklılıklar ve benzerlikler ortaya çıkmaktadır. İngiltere adadaki varlığını sürdürebilmek için Kıbrıs politikasını uluslararası konjonktür çerçevesinde yeniden tanımlayıp üretmiştir. Annan Planı ile birlikte İngiltere adadaki üslerini AB hukuna AB toprağı olarak değil de İngiliz egemen toprağı olarak kayıt ettirmiştir. İngiltere Kıbrıs'taki varlığını yeniden tanımlayarak ve üreterek bir başka aktörün Kıbrıs sorununa hukuki bir aktör olarak dahil olmasını ebedi olarak engellemiştir. Amerika Birleşik Devletleri ise, Acheson Planı ile Kıbrıs'ta üs almayı denemiş olmasına rağmen, adada bulunan İngiliz üslerini kendi çıkarları ve siyasi amaçları doğrultusunda kullanmaya devam etmiştir. Üslerin Amerikan ve İngiliz çıkarları açısından ne kadar önemli olduğu dikkate alındığında, adanın bölünmüş statüsünün İngiliz ve Amerikan çıkarlarına nasıl hizmet ettiği daha net görülebilir.

Kıbrıs'ın iç politikası değerlendirildiğinde, Kıbrıslı Rumların, toplumun büyük çoğunluğu ve siyasi partilerin tamamı tarafından desteklenen ve iç tutarlılığı bulunan üniter devlet temeline dayanan bir hegemonya projesine sahip olduğu görülmektedir. Buna karşılık iki bölge, iki kesimli federal çözüm, Kıbrıslı Türklerin adadaki siyasal eşitliğini koruyan ve onların azınlık konumuna düşmesini engelleyen formül Kıbrıs Türk toplumunun büyük çoğunluğunun ve siyasi partilerin desteklediği önemli bir referans noktasıdır. Bu noktalar hemen hemen tüm siyasi partiler tarafından paylaşılmasına rağmen, KKTC'de ortak ve tutarlı bir devlet politikası üretilmemiştir. Rauf Denktaş ve sağ partiler bu referans noktalarının iki devlet formülü altında hayata geçirilebileceğini savunurken, sol partiler ise bu referans noktalarının adanın yeniden birleşmesiyle sağlanabileceğini vurgulamaktadırlar. Annan Planı referandum sonucunda adanın

yeniden birleştirilmesi Kıbrıslı Rumlardan çok Kıbrıslı Türkler tarafından idealleştirilmiş ve bu idealleştirme 2004 Nisan'ından itibaren birleşmeyi tartışan bir dönemin ortaya çıkmasına neden olmuştur. Bu arada dikkate alınması gereken en önemli nokta ise gerek AB gerekse Kıbrıslı Rumlar, Kıbrıslı Türkler tarafından ortaya konulan referans noktalarının dikkate alınmadığıdır. Stratejilerini oluştururken Kıbrıslı Türkler için kırmızı çizgi olarak adlandırılan noktaların dışlanması Kıbrıs sorunundaki başarısızlığın bir başka nedenidir. Kıbrıs'ta eğer gelecekte bir çözüm bulunacaksa, Kıbrıslı Türklerin ortaya koyduğu referans noktalarının gerek AB gerekse Kıbrıslı Rumlar tarafından dikkate alınması gereğini ortaya koymaktadır.

Annan Planı referandumu sonrası yeni birtakım alternatif eğilimler ortaya çıkmıştır. Birinci eğilim, egemenliğin eşit olarak iki devlet arasında bölünmesini öngören iki ayrı egemenlik birikimidir (sovereignty accumulation). İkinci eğilim ise sadece Kıbrıslı Rumlarla Kıbrıslı Türkler arasında basit egemenlik paylaşımını öngörmeyen, güç paylaşımı mekanizmalarının başka uluslararası örgütlere devredilmesini isteyen, bir başka deyişle, manda yönetimini öngören egemenlik paylaşımı eğilimidir. Böyle bir mekanizmanın Kıbrıs'ta oluşturulabilmesi, şu anki konjonktür içerisinde hayata geçirilebilmesi mümkün görünmemektedir. Bunun en büyük nedenlerinden biri ise Kıbrıs'ta başarısız bir devlet modelinden bahsetmek mümkün değildir. KKTC'nin uluslararası alanda tanınmamış olması, KKTC'deki devlet yapısının çalışmadığı anlamına gelmemektedir. Bir başka deyişle, AB eğer zaten başarısız bir devleti tam üye olarak alırsa, bugüne kadar ortaya koyduğu argümanların dışında hareket etmiş olacak ve başarısız bir devleti tam üye olarak almış olacaktır.

Üçüncü eğilim Tayvan modelidir. Bu model uluslararası anlamda tanınmış devletlerin de belirli koşullar altında başka devletlerle işbirliği içerisine girmesini öngören modeldir. Bu model tanınmamış devletlerin başka devletlerle siyasi ve diplomatik ilişki içerisine girmesinin mümkün olmadığı temeline dayalı, ancak belirli koşullar altında başka devletlerle bürokratik işbirliği ve bazı ticaret anlaşmalarına olanak sağlayan bir modeldir.

Dördüncü eğilim ise özellikle Kıbrıslı Türkler tarafından özelde ise Kıbrıs-AB derneği başkanı Ali Erel tarafından önerilen 1960 anayasal düzenine geri

dönüşü öneren eğilimdir. Zamana ve siyasi konjonktüre bağlı olarak ortaya çıkan ve genellikle Kıbrıslı Türklerin çözümden ümidi kestikleri anlarda, Kıbrıslı Rumlar üzerinde baskı oluşturmak amacı ile ortaya atılmakta ve tartışılmaktadır. Bu modelde 1960 anlaşmalarına göre Kıbrıslı Türklere verilen siyasi haklar talep edilmektedir. Ancak gözardı edilen unsur ise 1960 anayasal düzeni sadece siyasi haklardan oluşan bir anayasal düzen değil, toplumsal, askeri vb gibi düzenlemeleri de içeren kapsamlı bir anayasal düzendir. Bu nedenle eğilimin ne kadar gerçekçi olup olmadığı tartışmalıdır.

Bir başka eğilim ise sınıfsal bütünleşme eğilimidir. Bu eğilim genellikle Kıbrıslı Rumlar tarafından ortaya atılmakta ve şu anki Kıbrıs Rum toplumu lideri Tasos Papadopoulosun izlediği stratejinin temelini oluşturmaktadır. Bu eğilime göre, KKTC'deki ekonomik sıkıntılar nedeni ile artan sayıda Kıbrıslı Türk güneyde çalışmaya başlamış, bir başka deyişle, KKTC orta sınıfı adanın güneyinde işçi sınıfına dönüştürülmüştür. Bu eğilim adadaki bölünmeden rahatsız olmamakta, Kıbrıs'ın kuzeyine uygulanan izolasyon ve ambargoların devamını sağlayarak, Kıbrıslı Türklerin ekonomik durumunu daha da kötüleştirip olası bir çözüm girişiminde Kıbrıslı Türkleri Kıbrıslı Rumların önerdiği çözüm önerilerini kabul etmeye zorlayarak Kıbrıs sorununu çözmeyi amaçlamaktadır.

Son eğilim Kuzey Kıbrıs Türk Cumhuriyeti'nin uluslararası anlamda tanınmasını sağlamak, bir başka deyişle, bağımsızlığı öngören eğilimdir. Ancak Birleşmiş Milletler Güvenlik Konseyi'nin değişik zamanlarda KKTC'nin tanınması ile ilgili aldığı kararlar nedeniyle böyle bir olasılığın kısa süre içerisinde gerçekleşebilmesi pek mümkün değildir.

Annan Planı referandumu AB politikalarının başarısız olduğunun bir göstergesi olmasına rağmen, hâlâ AB yetkilileri 1990 yılından beri uygulanan ve başarısız olan sorunların çözümü metodunu kullanmakta, Kıbrıslı Türklerle Kıbrıslı Rumlar arasındaki güveni yeniden tesis ederek Kıbrıs sorununu çözmeyi amaçlamaktadırlar. Başarısız olduğu ispatlanmış bu programların AB içerisinde hiç tartışılmadan yeniden uygulanmak istenmesi, AB'nin Kıbrıs sorununun nedenlerini daha tam olarak kavrayamadığının bir göstergesini oluşturmaktadır. Bu ve buna benzer konular hiç tartışılmadan, Kıbrıs sorununun nedenleri objektif ve doğru olarak değerlendirilmeden AB'nin çözümü sağlayabilecek kapsamlı ve

tutarlı bir Kıbrıs politikası oluşturulabilmesi mümkün değildir. Esas gerçek, Kıbrıs sorunu AB'nin artık öncelikli konularından biri değildir ve görülebilir gelecekte öncelikli konu haline geleceği de şüphelidir.

Kıbrıs'taki aktörlerin hegemonya projelerini tanımlamaları ve üretmeleri sadece 1960 yılında tarihsel bir bloğun oluşmasına neden olmuştur. Ancak böyle bir tarihsel bloğun bugün varlığından bahsetmek pek mümkün değildir. Tarafların hegemonya projelerindeki devamlılık, yakın bir gelecekte de Kıbrıs'ta yeni bir tarihsel bloğun ortaya çıkmasını engellemektedir. Kıbrıs'ta tarihsel bir blok oluşmadan tarafları ortak bir noktada birleştirecek çözüme ulaşılabilmesi imkansızdır. Bütün bunlar dışında Kıbrıs sorunu sadece Kıbrıslı Türklerle Kıbrıslı Rumlar arasında bir sorun değildir, aynı zamanda uluslararası bir sorundur. Uluslararası aktörlerin politikaları, stratejileri ve çıkarları Kıbrıs sorununu etkileyen faktörlerdir ve bu durum yakın bir gelecekte de devam edecektir.

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