

Cyprus

DRAFT CIRCULATED FOR COMMENT

*Christalla Yakinthou**

The Cyprus conflict is one which has evaded a clear resolution for more than three decades. Broken on its shores are the efforts of two UN Secretaries-General, and countless diplomats and peacemakers who have successfully brokered peace in more bloodied contexts. From the outside, the conflict is something of a bizarre enigma; stemming in part from the straightforward image it deceptively portrays. After the war of 1974 and the resultant population separation to create an ethnically Turkish 'north' and an ethnically Greek 'south', open conflict between Greek and Turkish Cypriots has been limited. Each community lived completely separated from the other for 29 years, until checkpoints opened in 2003 enabling people to cross between the sides, and they have done so more or less peacefully since then. Open conflict is extremely rare, and diplomacy continues to be the means through which the war is conducted. There is no communication between the sides, except during negotiations, and neither state recognises the legitimacy of the other. Since 1983 when the Turkish Cypriots unilaterally declared independence, a cold war over recognition has been conducted between the communities, where the Turkish Cypriot side has made significant efforts to garner international support for its breakaway status, and the Greek Cypriot side has made equally significant efforts to block that recognition. While the Turkish Cypriots have superior military force in their favour, the Greek Cypriots have legal recognition; the Republic of Cyprus *de jure* represents the whole island.

The lack of violence, and steady calls over forty years by many Greek Cypriot leaders and Turkish Cypriot opposition members for the island's reunification has encouraged a long procession of high-level peacemakers, track-two conflict resolution experts, NGOs

* Endnotes to be changed, and paper is in need of a serious haircut!

and international organisations to try their hand at bringing peace to Cyprus. Thus, the country provides rich material for the study of conflict resolution in divided and post-conflict societies. This chapter will examine the most recent resolution efforts, with an eye to understanding why existing approaches to conflict resolution appear thus-far unable to 'solve' the problem of Cyprus.

Context of the conflict

While primarily characterised as an ethnic conflict, Cyprus also contains the strands of fierce ideological battles, and the legacy of multiple colonisations. Its geography has been important; situated in the Mediterranean Basin, the Mediterranean Sea separates it from North Africa, Southern Turkey, Syria, Lebanon, and Israel. Thus, while the conflict is currently perceived to be a dispute between Greek Cypriots, Turkish Cypriots, and Turkey, it has developed out of regional power struggles in the post-Empire and Cold-War periods.

An Ottoman province between 1571 and 1878, the island's administration was turned over to Britain at the Congress of Berlin, in exchange for British protection of Ottoman borders from the expanding Tsarist Russian Empire. In the 1923 Treaty of Lausanne, Turkey officially recognised British rule over Cyprus, and two years later Cyprus was declared a British Crown Colony. It remained so until 1960, when it became an independent republic.

That republic was created as a rigid consociational structure, where power was shared between Greek and Turkish Cypriots under a presidential system of government with strong vice-presidential veto powers. The structure, as it was originally designed, broke down in 1964 as a result of political discord between the groups in government. The discord led to a constitutional crisis, which in turn led to the withdrawal of the Turkish Cypriot representatives from government, and of the community into enclaves to protect itself from violence.

But the violence in Cyprus began before 1964. As is true of many conflict societies, history in Cyprus is bent to legitimise each community's identity and its struggle to meet its goals. In the official Greek Cypriot narrative, Cyprus is gloriously Greek, and Cypriots are the descendants of Mycenaean ancestors who colonised the island in the fourteenth century BC. The development of Greek nationalism on the Greek mainland and islands was carried to Cyprus early in the twentieth century, and in the inter-World War period a movement began first among the intellectual elite and then among the villages that aimed to free Cyprus from British rule and unite it with 'Motherland Greece'. At the same time, Turkish nationalism was developing among Turkish Cypriot intellectuals alongside the evolution of the Young Turk movement in 1930s Turkey. Cyprus was seen as a land steeped in the blood of Turkish martyrs; so legitimately Turkish. These developing counter-nationalisms were beginning to define themselves against the other, and to close out the space for shared identity or peaceful coexistence.

By 1955 the pro-Greek movement had evolved into an armed guerilla group called EOKA,¹ which aimed to overthrow the British colonial government and unite the island with Greece (*enosis*). Seen by many Greek Cypriots as a liberation army, EOKA was viewed by Turkish Cypriots as a terrorist organisation which sought to ethnically cleanse the island. A counter-group called TMT² was formed in 1957 by the Turkish Cypriot community. TMT's counter-goal was *taksim*, or partition of the island between Greece and Turkey. Both bodies were armed, trained, and supported by their respective kin-states. As organs of nationalism, the groups were also closely allied to the Greek and Turkish political far-right, and took the opportunity created by their power and political support to kill democrats, leftists, and supporters of inter-communal co-operation.³

As the violence increased, Britain, Greece, and Turkey negotiated one unsatisfactory proposal for the island's future after another. Under considerable pressure, Greco-Turkish negotiators came up with a plan for the country's independence. Thus was created the

¹ National Organisation of Cypriot Fighters, *Εθνική Οργάνωσις Κυπρίων Αγонιστών*.

² Turkish Resistance Organisation, *Türk Mukavemet Teşkilatı*. TMT replaced a group called *Volkan* founded the year before, which was a more organic Turkish Cypriot underground group.

³ See Christopher Hitchens, *Hostage to History: Cyprus from the Ottomans to Kissinger*, p.53. NEED BETTER REFERENCE

1960 Republic of Cyprus (RoC); a compromise that was accepted by the Cypriot political leaders for strategic reasons, but to which few were committed. However, the violence settled down, and for four years the groups worked reluctantly together. After the 1964 constitutional crisis, tensions once again increased as the Greek Cypriot community strengthened its hold on government institutions and increased its persecution of the Turkish Cypriot community. This persecution was to continue for another ten years, while UN-led efforts tried to negotiate a peace agreement. The post-1964, pre-1974 negotiations focused on a way to reconcile the Turkish Cypriot desire to stick to the 1960 treaties with the Greek Cypriot desire to negotiate a new agreement where each side's power was more reflective of its population proportion.

In July 1974 Greece's military junta, along with members of the Greek Cypriot political and military elite, undertook a failed *coup d'état* which aimed to overthrow the Makarios government and annex Cyprus to Greece. The *coup* provoked a military intervention from Turkey, which took control of the northern third of the island, stretching from Morphou/Guzelyurt in the west to Famagusta in the east. The resulting occupation forced a population redistribution. Turkish Cypriots were moved to the newly-controlled Turkish north of Cyprus, and Greek Cypriots were moved to what was left of the territory in the island's south. People were relocated into houses and villages abandoned by the other community. Each with very different understandings and memories of the conflict, and very different goals for the future, the sides began the process of reconstructing their lives.

Post-1974, the Greek Cypriot community focused on rebuilding its economy and reconstructing the social fabric. The war had caused the displacement of some one-third of the Greek Cypriot population, and close to one-half of the Turkish Cypriot population. The Greek Cypriot economy had been devastated by the loss of extensive agricultural resources and tourism revenue; its main sources of wealth. It therefore hyper-focused on economic redevelopment and rehousing displaced people. The Republic has continued to function as a democratic state, though it does so under state of emergency laws.⁴ In 2004

⁴ See Costas Constantinou, (2008) 'On the Cypriot States of Exception', *International Political Sociology*, II, 2, 145-164.

it became a full member of the European Union (EU). The state continues to struggle with its policies and approaches to migration, human rights, trafficking, environment, history education, and allowing the development of an active civil society.

The post-1974 development of the Turkish Cypriot community took a different path. During the enclave period they had created the Provisional Turkish Cypriot Administration (PTCA); a temporary administrative structure.⁵ Anxious to add legitimacy to their newly-expanded territory in 1975, the Turkish Federated State of Cyprus (TFSC) was declared. In 1983 the community declared its breakaway state, the Turkish Republic of Northern Cyprus (TRNC). The state has remained internationally unrecognised by all but Turkey. Since then, Turkish Cypriots focused on building a self-sustaining liberal state to reinforce their independence from the RoC and the Greek Cypriot community. The TRNC is a semi-presidential system, but also styled in part from the RoC constitution. Without access to the economic or political benefits of international recognition, it is heavily dependent on Turkish economic, political, and military support.

Closely tied with the Republic's EU accession was the first complete peace plan offered to the Cypriot people. In April 2004, after two intense years of negotiation, bilateral talks, and, eventually, working committees, the United Nations (UN) presented a complete design for a new Cypriot state. Dubbed the Annan Plan after then-UN Secretary General Kofi Annan, the plan was supported by the Turkish Cypriot leadership but rejected by the Greek Cypriot government alliance. The plan needed the support of the majority of the Greek and Turkish Cypriot electorates to be accepted, and as such, was put to referendum, where it failed to gain a majority of Greek Cypriot votes.⁶ The next month, the RoC acceded to the EU as a still-divided country.

After the failed efforts to reunify the island in 2004 and the Republic's subsequent accession to the EU, the TRNC has increased its *ad hoc* efforts to harmonise with EU

There is also an ongoing dispute about the legitimacy of a government which is founded on a power-sharing constitution that has morphed into a hyper-presidential system because of the lack of Turkish Cypriot representatives, who would have formed the balance of presidential powers.

⁵ For details see Mete Hatay CITE ARTICLE and Richard Patrick CITE BOOK

⁶ INSERT PERCENTAGES

laws and democratic standards.⁷ A number of NGOs and civil society organisations in both north and south Cyprus maintain that there is a serious democratic deficit which affects policies and approaches in both communities to migration, human rights, and people trafficking. This has been linked to the rapid post-war modernisation both societies had to undergo.⁸

Actors involved in the process

Elites in Cyprus have not been conflict breakers, so much as ethnic entrepreneurs, perpetuating the conflict in order to protect their personal power-bases, each blaming the other for intransigence. Conflict resolution in Cyprus is characterised by personality politics, and many of the actors historically involved in the process have defined their lives by the conflict, and built their careers on it.

In the north, one of the founding members of the TMT Rauf Denktaş served four consecutive five-year terms as president of the TRNC, albeit in a number of governing alliances with parties from across the ideological spectrum. As the founder of the Turkish Cypriot state, and a key figure in the anti-*enosis*⁹ struggles between 1955 and 1974, Denktaş has been an important figure to both Greek and Turkish Cypriots. For many years, he formed a link between Turkey and Cyprus, always ensuring that Turkish policy on Cyprus safeguarded his state. He was also a protective figure to the Turkish Cypriot community, against the memory of Greek Cypriot threats. He, along with figures like Greek Cypriot leaders Glafkos Clerides and Tassos Papadopoulos represent an institutional memory of the modern Cyprus conflict. With a famed aversion to re-unification of Cyprus, Denktaş led a group of political elites who saw very few incentives for compromise and co-operation with the Greek Cypriots.¹⁰ Known for walking out in the middle of negotiations, his withdrawal was a predictable safety-net for Greek

⁷ The thinking behind this strategy is to be prepared for future reunification, where north Cyprus will become part of the EU. The secondary argument made by Turkish Cypriot political leaders is that should the Greek Cypriot community again reject a peace plan, the Turkish Cypriots should be allowed to enter the EU as an independent member-state.

⁸ See Andrekos Varnava and Christalla Yakinthou, 'Cyprus: Political Modernity and the Structures of Democracy in a Divided Island', *Oxford Handbook of Subnational Democracy*, Oxford, 2010.

⁹ Enosis is the Greek work for union. It was used as the slogan for the union of Cyprus with Greece.

¹⁰ Christalla Yakinthou, *Political Settlements in Divided Societies: Consociationalism and Cyprus*, Basingstoke, Palgrave Macmillan 2009.

Cypriots, who could rely on Turkish Cypriot withdrawal from inter-communal talks without losing any diplomatic face themselves.

However, his monopoly on the moral and political leadership of the Turkish Cypriot community was broken in January 2004, when socialist party CTP¹¹ was elected to government, and its leader Mehmet Ali Talat became prime minister. When Talat was elected president in 2005, Denktaş withdrew from politics.

In the south, hard-line Greek Cypriot elites with a history of involvement in the Cyprus problem have generally been elected president,¹² indicating Greek Cypriot willingness to defer to traditional authorities on matters relating to the Cyprus conflict. By and large, they seem to have been elected on two bases: first, they ‘understood’ the Cyprus conflict because of their long involvement; and second, they were considered strong negotiators who would bring the Greek Cypriot community back to a position of advantage. However, as we will see below, this trend changed in 2008.

Archbishop Makarios of the Cypriot Orthodox Church was first president of the RoC. Considered the political and spiritual figurehead of the Greek Cypriot community, he was a key player in the anti-colonial movement. He remained president of the wholly Greek-Cypriot republic for 17 years, until his death. His most significant successor was former EOKA lawyer Glafkos Clerides. Clerides and Denktaş best embody the nature of the principal actors involved in the Cyprus conflict, an area densely populated by lawyers. In 1950s colonial Cyprus, Clerides defended EOKA fighters caught by the British, while Denktaş prosecuted them on behalf of the crown. In the 1960s, both men became advisers for their respective leaderships; Denktaş for vice-president Kuçuk, and Clerides for president Makarios. In 1975, Clerides and Denktaş negotiated the post-war population exchange. In the post-division 1970s, Clerides was part of the Greek Cypriot advisory team when the peace talks commenced, while Denktaş led the talks for the Turkish

¹¹ Insert acronym

¹² With the single exception of George Vassiliou, who ran as an independent, and was previous to his political life a businessman.

Cypriot community.¹³ In 1993, Clerides was elected president of the Republic, a post he held until 2003. In the on-again off-again peace talks, Clerides' opposite number was always Denktaş. Greek Cypriot presidential elections took place during a particularly intense period of the Annan Plan negotiations, and Clerides, who campaigned to be given the mandate to complete the negotiations and then retire, was defeated by hardliner Tassos Papadopoulos. Papadopoulos was another of the EOKA lawyers and a central figure in the pre-independence *enosis* movement. His election can be seen as a reaction by the Greek Cypriot electorate against Clerides' support of the peace plan.¹⁴

In light of the above, the 2005 Turkish Cypriot election of socialist party CTP's Mehmet Ali Talat to the TRNC's presidency, and the 2008 Greek Cypriot election of communist party AKEL's Demetris Christofias as RoC president is significant. For the first time in the conflict's history, the current political leadership on both sides are relatively 'clean slates', with no direct relationship with either EOKA or TMT, or with the Turkish and Greek nationalist movements. The election of these two left-wing party leaders initially signalled a break with the stagnant negotiating policies of previous leaderships. However, as time and new negotiations have worn on, the leaders seem to be hemmed in by the cultures of nationalism and patriotic rhetoric which have had free reign for the last half-century.

After four years of silence following the Annan Plan's rejection, Christofias' election in the south was read as a change in Greek Cypriot attitudes to the conflict. Where they had almost exclusively elected hard-line, nationalist leaders, they instead voted into power a communist leader who had a long history of cooperation with the Turkish-Cypriot left, and who was clearly pro-reconciliation. This was especially important because the CTP government in power in north Cyprus was AKEL's long-time ally. Christofias' election was also a sign of changed internal politics within the AKEL party. AKEL is the strongest Greek Cypriot political party, consistently collecting around 33% of the vote. However, until Christofias it had never offered its own candidate in the presidential elections, instead lending its support to smaller parties' candidates, and placing itself as

¹³ Denktaş was Turkish Cypriot chief negotiator from 1975 until 2004, when he was replaced by Talat.

¹⁴ FOOTNOTE SUPPORTING EVIDENCE

major government coalition partner. This policy has restricted the party's ability to play any serious role in pushing government policy towards compromise. Its cautious approach has also stunted its potential to curb the crescendoing levels of nationalism and militaristic, anti-Turkish public campaigns.

But when CTP and AKEL finally found themselves in power at the same time, they also realised that they were actors entrapped within the nationalist, zero-sum environment to which they had both contributed and been opposed. Christofias, as president of the RoC, found himself unable to step too far outside the established negotiation boundaries. He was president of a state with an occupying army at borders he didn't recognise, and having to negotiate with his old compatriot, who was now leader of a non-recognised state. As Turkish Cypriots watched Greek Cypriots prosper as an EU country, and perceived that none of the Union's promises to their community were being fulfilled, Talat faced an anti-EU and anti-Greek Cypriot public backlash. To much of the voting public on each side, the other was still the enemy. Every move that each man made was cross examined in the media and in the public for its impact on the national cause. And critics, on both sides, are vociferous. In both communities, AKEL and CTP rely on alliances to maintain their hold on power. On the Greek Cypriot side, the only alliance AKEL is not willing to make is with DISY, the one party that can guarantee them a super-majority in government and strong support to negotiate and stand by a peace plan. However, DISY was founded by EOKA members, and housed a number of people accused of killing both Turkish Cypriots and Greek Cypriot AKEL members during the late 1960s and early 1970s. Since the early 2000s, DISY has made a deep change in its approach to the Cyprus conflict, going from staunchly supporting the idea that Cyprus is Greek, to being the only major party which openly campaigned in support of the Annan Plan in 2004. It is now the most pro-reconciliation Greek Cypriot party, and has publicly supported Christofias' continued commitment to the negotiations in times when all other parties called for his withdrawal. An AKEL-DISY alliance is necessary for any proposal to gain public support, but remains one which AKEL is unwilling to make.

In the north, THIS SECTION WILL BE WRITTEN AFTER APRIL 2010 ELECTIONS IN NORTH CYPRUS.

Like many of the other conflicts examined in this book, the Cyprus conflict is bedevilled by internal rivalries. Any cross-community cooperation between the leaders or efforts at showing understanding are demonised by rival parties as weakening the national cause. Though there is less points-scoring between these two leaders than in the past, both Christofias and Talat still give the appearance of being actors in an old play; reciting lines written long before, for someone else, but still reciting those same tired lines. They have passed up a number of opportunities to make their efforts complimentary.¹⁵ Indeed, it seems that the real talent of the Cyprus conflict is its ability to absorb all change into the *status quo*.

Maximalist political rhetoric on all sides regarding solution of the conflict, electoral pressure, and a thirty-year long negotiating process have significantly inhibited the ability of political leaders to forge alliances. On the whole, cooperation has been conceptualized by elites as contingent upon a solution, rather than a factor upon which a solution is contingent. As a result of this perception, the political and public environment has tended to inhibit the behaviour of the few elites who have tried to build alliances, or to cooperate.

Capacity of the primary mediator

The UN has been the primary mediator in the Cyprus conflict, with the exception of a single wavering moment immediately post-2004, when it appeared that the EU would be given the mantle. Established under Resolution 186 (1964),¹⁶ the UN operation in Cyprus ‘tried to provide a comprehensive peace-keeping, peace-making and peacebuilding structure’.¹⁷ It twinned the goals of controlling an outbreak of war and finding a

¹⁵ INSERT EXAMPLES EITHER HERE OR IN MAIN TEXT

¹⁶ Resolution of 4 March 1964, UN Document S/5575.

¹⁷ Oliver Richmond, ‘UN Mediation in Cyprus, 1964-65: Setting a Precedent for Peace-making?’, in James Ker-Lindsay and Oliver Richmond (eds.) *The Work of the UN in Cyprus: Promoting Peace and Development*, Hampshire, Palgrave, 2001 p.102.

constitutional settlement. The years 1999-2004 mark the UN's most robust post-war attempt to resolve the conflict.

The UN's capacity to persuade the Cypriot parties to accept a solution has been limited and undermined significantly by the parties' selective, strategic interpretations of the UN's mandate. In this, the UN was handicapped from the beginning. Additionally, the lack of protracted violent conflict, and the absence of a mutually-hurting stalemate have dulled incentives for Cypriot elites to compromise, thus giving the UN less scope for negotiation.

Under Resolution 186, the Secretary General was authorised to appoint a mediator, who was mandated to assist in the promotion of a 'peaceful solution and *agreed settlement*'¹⁸ of the increasingly volatile situation.¹⁹ In concert with these efforts the UN foresaw the need for a peace-keeping operation that would provide the conditions of security under which the negotiations could proceed. Resolution 186 therefore also mandated the United Nations Force in Cyprus (UNFICYP) to aid the return to '*normal*' conditions (i.e. the 1960 constitution).²⁰ Oliver Richmond has argued that the foundation of UNFICYP's establishment and the mediator's mandate within Resolution 186 appeared contradictory, and allowed each group to claim that the UN supported their respective perspective of the conflict, and its resolution; deepening the zero-sum mentality of the combatants.²¹ The UN Security Council (and thus the mediator) appeared to support the Greek Cypriot

¹⁸ UN Resolution 186. Italics added

¹⁹ Resolution 186 (1964):

The Security Council...recommends further that the Secretary General designate...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.

The implication for a *renegotiation* of the situation was perceived by the Greek Cypriots to justify their complaints and demands.

²⁰The Security Council...recommends that the function of the Force [UNFICYP] 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.

The mandate of the Force was perceived by the Turkish Cypriots to be supporting their requests for a return to the 1960 constitution, rather than the Greek Cypriot requests for a modified constitutional order.

²¹ Oliver Richmond, 'UN Mediation in Cyprus, 1964-65: Setting a Precedent for Peace-making?', op. cit. p.102.

position of searching for a new solution (the agreed settlement), while UNFICYP seemed to support the Turkish Cypriot position of returning to the 1960 treaties (the return to normal conditions).²² It also appeared from the UN's peacemaking mandate that it supported the Greek Cypriot position that the 1960 constitution was unworkable and needed reform. This contributed to Turkish Cypriot fears of losing their constitutionally-guaranteed status as equal partners in the state.²³

The international community's fear of secession contributed to its endorsement of the Greek Cypriot community's *de facto* control of the internationally-recognised RoC. This had two important consequences: the first was that the only legitimacy Turkish Cypriot leaders would receive was at the negotiating table; providing an incentive to perpetuate the negotiations.²⁴ The second was that this sole representation of the government enhanced the Greek Cypriots' moral authority to speak as the sole legitimate Cypriot voice in the UN and in other forums²⁵ This established a pattern which allowed them to blur the line between 'Cypriot' and 'Greek Cypriot' interests; a major factor producing intransigence in the Greek Cypriot community, culminating in their rejection of a

²² There is significant disagreement about the value of the UN's role in Cyprus. Richmond maintains that UNFICYP has become a 'mechanism for the consolidation of the status quo' (op. cit. p.102), while James argues that it can count Cyprus among its victories. For James, UNFICYP has been integral in the maintenance of peace on the ground, as well as providing the resources and manpower to keep channels of communication open between the disputants over a very long period. See Oliver P. Richmond, *Mediating in Cyprus: The Cypriot Communities and the United Nations*, London, Frank Cass Publishers, 1998; and Alan James, 'The UN Force in Cyprus', in Ramesh Thayer and Carlyle A. Thayer (eds.) *A Crisis of Expectation: UN Peacekeeping in the 1990s*, Colorado, Westview Press, 1995.

²³ Oliver P. Richmond, *Mediating in Cyprus: The Cypriot Communities and the United Nations*, op. cit., p.124.

²⁴ Oliver P. Richmond, *Mediating in Cyprus: The Cypriot Communities and the United Nations*, pp.215-8.

²⁵ Alan James, *Keeping the Peace in the Cyprus Crisis of 1963-64*, Hampshire, Palgrave 2002 p.99.

The Republic of Cyprus was initially recognised by the UN as the sovereign body for two key reasons: firstly, international dislike of secession; secondly, the UNFICYP needed to be invited by the sovereign body. So if the UN was to recognise two sovereign bodies, it would necessarily reduce the Greek Cypriots to the status of a 'community', which would not put them in a frame of mind conducive to signing the invitation; there was, and continues to be a general international predisposition to see the Republic of Cyprus as a legal political authority. That is, nation-states prefer to recognise other nation-states. The sovereign entity which the UN and the international community chose to work with was therefore the Republic of Cyprus under the control of the Greek Cypriot community. It must be made clear, however, that the UN Council did not create the authority of the Greek Cypriot regime. Alan James maintains that 'rather, what it did, was to make an influential proclamation of a position which had already been adopted in very significant quarters. There was never much likelihood that the Council would do otherwise'. Alan James, *Keeping the Peace in the Cyprus Crisis of 1963-64*, loc. cit.

compromise solution in April 2004. According to Richmond, the UN thus became a 'victim of the conflict itself'.²⁶

UN interests have shifted over time, affecting its peace-making capacity in Cyprus. Despite the above, the UN had a strong early involvement in Cyprus, shaping proposed solutions to the conflict. In the immediate post-breakdown period, it attempted dynamic forms of direct intervention that combined both peace-keeping and peace-making. In early 1964, former Ecuadorian President Galo Plaza was appointed by the UN Secretary General as Mediator on Cyprus. The report he subsequently produced attempted to create inroads towards a solution to the problem, but instead significantly increased tension.²⁷ Plaza subsequently resigned after Turkish Cypriot claims of bias. His resignation precipitated a self-protective move by the UN, and catalysed the watering down of subsequent UN peace-making attempts. Post-Plaza, 'the most crucial aspect of the Secretary General's mission of good offices which replaced direct mediation were his endeavours to avoid alienating either side, or compromising what remained of the integrity of the UN involvement in terms of peace-making'.²⁸

Subsequently, the UN's oscillating efforts in Cyprus have reflected internal UN, Cypriot, and international pressures.²⁹ Especially during the Cold War period, the international focus was on controlling intercommunal tension so as not to spark a Greek/Turkish war, which would have damaged the south-east wing of NATO, affecting the balance of power. The UN has over the years been trapped by regional instability and power shifts between Greece and Turkey.³⁰

²⁶ Oliver Richmond, 'UN Mediation in Cyprus, 1964-65: Setting a Precedent for Peace-making?', op. cit., p.105.

²⁷ Oliver Richmond, 'UN Mediation in Cyprus, 1964-65: Setting a Precedent for Peace-making?', op. cit., p.114.

²⁸ *ibid.*, p.116.

²⁹ For an explanation of international pressures on the UN, see David Hannay, op. cit.; Oliver Richmond, 'Peacekeeping and Peacemaking in Cyprus 1974-1994', *Cyprus Review*, vol. 6, no. 2, 1994 p.7-42; Edward Newman, 'The Most Impossible Job in the World: the Secretary-General and Cyprus', in James Ker-Lindsay and Oliver Richmond (eds.) *The Work of the UN in Cyprus: Promoting Peace and Development*, Hampshire, Palgrave 2001.

³⁰ For discussion of these regional power shifts, see Tozun Bahcheli, *Greek-Turkish Relations Since 1955*, op. cit.

Agreements have been far between. The first, post-1974, was the 1977 Framework Agreements between Makarios and Denktaş which has set the framework for all subsequent negotiations. The 1979 Kyprianou-Denktaş Communiqué (10 Point Agreement), and the 1992 Boutros Boutros Ghali Set of Ideas, were a brief respite from the tradition of disagreement. Ghali wove the role of mediation into the framework of good offices by holding the threat of the UNFICYP's withdrawal over the heads of the interlocutors to pressure them to negotiate in good faith.³¹ However, the dynamism Ghali represented was short-lived, and by 1996 the UN had again fallen into what Richmond has described as a 'sterile and apathetic' role.³²

The period between the 1994 collapse of Ghali's 'Confidence Building Measures' and the appointment of Kofi Annan to the position of UN Secretary-General in 1998 was marked by high levels of tension, elevated by a number of domestic and regional crises.³³ The atmosphere again darkened in December 1997 at the EU Luxemburg Summit when accession negotiations were opened with the RoC, while the EU remained silent regarding Turkey's candidacy. In 1998 as a direct result of the Luxemburg decision, Turkey and the Turkish Cypriot government moved their bottom line negotiating basis from federalism to confederalism. The move was a significant signal that negotiations would not progress, because Greek Cypriot negotiators had long been clear that confederation was unacceptable. After two years of stalemate, Kofi Annan began to signal that work would again begin on Cyprus. That work culminated in the 2004 Annan Plan.

Ker-Lindsay has argued that the failure of traditional mediation in drawn-out disputes like Cyprus has changed the UN's approach to peacemaking, evolving from traditional mediator into a hybrid and more assertive role.³⁴ Indeed, the UN's approach during its

³¹ Oliver P. Richmond, *Mediating in Cyprus: The Cypriot Communities and the United Nations*, op. cit., p.200.

³² Oliver Richmond, 'UN Mediation in Cyprus, 1964-65: Setting a Precedent for Peace-making?', op. cit., p.119.

³³ The Imia/Kardak crisis in January 1996, three Greek Cypriot deaths on the island in the same year, and an averted missile crisis in 1997.

³⁴ James Ker-Lindsay, 'The Emergence of "Meditration" in International Peacemaking', *Ethnopolitics*, VOLUME DATE PP

2004 efforts in Cyprus more closely resembled the resolution of labour disputes than international political conflicts. Ker-Lindsay argued that this approach was ultimately damaging to the peace process, and seemed 'to be less about trying to help the parties to reach a settlement that the parties can accept and more about trying to avoid or end the frustration associated with managing long term peace processes'.³⁵

Process structure

In the 2002-2004 negotiations, the process was shaped by the conflict's many years of atrophy, together with Cyprus' impending EU accession, scheduled for May 2004. Cyprus' EU accession was a window of opportunity for external actors to create incentives for Cypriot elites to resolve the conflict. EU accession was to be used as a lever to encourage political compromise, so as to admit a re-unified Cyprus into the Union.³⁶ The regional context was favourable: Washington, Ankara, Athens, the EU, the British, were all brought on board, and the Russians were 'at least acquiescent'.³⁷ The process was based on the UN's perception that without firm deadlines, the interlocutors would remain indefinitely at the pre-negotiation stage.³⁸

Mindful of the conflict's history of stalemating, the UN began internally to work on the outline of a comprehensive solution to the Cyprus conflict in 2000. This first set of 'Preliminary Thoughts' was followed by a second document which advanced the negotiations by suggesting that a single negotiating text should be the basis of further negotiations. The negotiations were then terminated for a year by the Turkish Cypriot interlocutor. Trying to interlink with the December 2002 EU Copenhagen summit, the

³⁵ James Ker-Lindsay, 'The Emergence of "Meditation" in International Peacemaking', *Ethnopolitics* xx pp8-9.

³⁶ For a more thorough examination of the EU's role in the conflict, see Christalla Yakinthou, ETHNOPOLITICS ARTICLE, Nathalie Tocci and Tamara Kovziridze, "Cyprus", in Bruno Coppieters et al. (eds.), *Europeanization and Conflict Resolution: Case Studies from the European Periphery*, Ghent, Ghent Academia Press, 2004; Nathalie Tocci, "Reflections on Post-Referendum Cyprus", *The International Spectator*, vol. XXXIX, no. 3, July-September 2004; Oliver Richmond, 'Shared Sovereignty and the Politics of Peace: Evaluating the EU's "Catalytic" Framework in the Eastern Mediterranean', *International Affairs*, vol. 82, no. 1, pp. 149-176; Meltem Müftüleri-Bac and Aylin Güney, "The European Union and the Cyprus Problem 1961-2003", *Middle Eastern Studies*, vol. 41, no. 2, March 2005, pp.281-293; Christalla Yakinthou, *Political Settlements in Divided Societies: Cyprus and Consociationalism*, Palgrave Macmillan Publishers, 2009.

³⁷ David Hannay, *Cyprus, the Search for a Solution*, London, I.B. Taurus and Co. 2005 pp.63-4.

³⁸ Member of UN core negotiating team in Cyprus. Confidential interview with author, 2006.

UN submitted the first proper negotiating text (Annan I) to the Cypriot leaders in November that year. They submitted the second revised plan one month later, during the summit (?). Annan III was presented in February 2003; the same month that presidential elections in the RoC brought hard-line DIKO leader Papadopoulos to power. Annan IV was submitted in March 2004, and by this time parliamentary elections had seen a significant swing to the left in the TRNC, with Talat becoming prime minister, and taking over the negotiations.

The UN's task was Herculean. There were considerable periods during the negotiations where one or both sides were not cooperating with the mediators. '[Sometimes] the team of the Secretary-General simply were hearing views on various subjects and they tried to visualise what would have been an acceptable compromise between sides that were not really talking to each other with a view to settle'.³⁹ As a result, 'the UN team under de Soto was driven *faute de mieux* to draw up the first Annan Plan based on drafts and concepts that had been in circulation for years and in some instances for decades'.⁴⁰ A core member of the UN negotiating team maintained that there was 'very little engagement in [the] negotiations' by either side, and that the interlocutors were 'more willing to discuss options' in one-on-one shuttle talks than they were during face-to-face negotiations.⁴¹ This is reflected in the high number of proximity and shuttle talks as measured against face-to-face discussions. During the Annan negotiations, there were only 72 face-to-face meetings between the leaders, as compared to 150 bilateral meetings between de Soto and each leader separately, and 54 meetings in the proximity phase.

Because the 1964 constitutional deadlock ran deep in both communities' historical memories, the UN had to create a highly detailed blueprint of institutional and political reunification which would leave no unanswered questions. Its goal was to address all contentious issues, and 'propose a crystal-clear solution'.⁴² The complexity, and importance of this task was compounded by the situation's fragility: the architects of the

³⁹ Alecos Markides, Former Attorney-General of Republic of Cyprus. Interview with author, 2 July 2004.

⁴⁰ Keith Kyle, 'A British View of the Annan Plan', *Cyprus Review*, vol. 16, no. 1, Spring 2004, p.17.

⁴¹ Member of UN core negotiating team in Cyprus. Confidential interview with author.

⁴² Didier Pfirter, Legal Advisor to the UN Secretary General's Special Assistant. Interview with author, 6 October 2006.

Annan Plan had to reconstruct reality for mutually suspicious communities that had lived entirely without each other – refusing to acknowledge even the existence of the other as a political entity – for a generation. To avoid clashing interpretations of its provisions, the Annan Plan was remarkably thorough in its detail. This was underlined by then-UN Special Representative to Cyprus, Alvaro de Soto: ‘if you look around in the last few years, at the different peace agreements that have been signed, a lot of them are very jerry-built essentially and have raised enormous questions that create for somewhat chaotic situations. Whereas here it is all spelled out...’.⁴³ By the fifth plan:

The one hundred and ten laws became one hundred and forty laws, and those draft laws were to be in operation from the very first day, that is to say that the federation would have a taxation law, a budget, everything in place from the very first day. There was a provision that if by reason of the complexity of the system you fail to amend a particular law, it continues as it is, unless amended.⁴⁴

This vast task involved 300 Cypriots and some 50 UN experts working in 14 technical committees.⁴⁵ It was labelled by one UN engineer as an almost ‘super-human’ effort by those involved.⁴⁶ The resulting plan in its entirety ran to some 9,000 pages.

Design proposed

Various forms of power-sharing have been suggested for Cyprus over the course of the conflict. The 1979 High Level Agreements settled on a ‘bizonal, bicomunal federation’,⁴⁷ and while Turkish Cypriot negotiators have considered in the past a heavily devolved confederation to be their ideal, and Greek Cypriots a majoritarian democracy, the proposals have infrequently deviated from some form of ethnic-territorial federation.

Both the 2004 Annan Plan, and the current negotiations propose a federal consociation, with some version of a rotating presidency and the devolution of most communal matters to the constituent states. Because current negotiations are insufficiently progressed to

⁴³ Opening Statement and Press Conference by Secretary-General’s Special Advisor on Cyprus, Alvaro de Soto, Ledra Palace, Nicosia, 20 April 2004.

⁴⁴ Alecos Markides, interview with author, 2 July 2004.

⁴⁵ See appendix eight for an organigramme of Secretary-General’s Good Offices Mission in Cyprus.

⁴⁶ Member of UN core negotiating team in Cyprus. Confidential interview with author.

⁴⁷ INSERT REFERENCE

make any useful commentary, this section will instead examine the 2004 Annan Plan, as the most recent complete proposal.⁴⁸

The Annan Plan was inspired by the Swiss and Belgian systems. The United Cyprus Republic (UCR) was designed as a federal, liberal consociational state. It was devised to be an indissoluble partnership between the federal government and two equal constituent states, called the Greek Cypriot Constituent State and the Turkish Cypriot Constituent State. Following consociational principles, the constitution specified the powers and functions vested in the federal government, devolving the bulk of powers (including the day-to-day functioning of the states) to the constituent states.

The federal state envisaged in the Annan Plan was comprised of an executive (which included a Presidential Council, a Federal Administration, and Federal Police), a legislature (Senate and Chamber of Deputies), a judiciary (the Supreme Court), and independent institutions (Central Bank; Office of the Attorney-General; Office of the Auditor-General). There was to be no hierarchy between federal and constituent state laws. The powers of the federal legislature included the approval of international treaties for ratification; the election of the Presidential Council; the adoption of the federal budget; and, by special majority, the referral of serious crimes by members of the Presidential Council and the independent institutions to the Supreme Court.

The Senate was to be composed of 24 senators from each constituent state, elected ‘on a proportional basis by the citizens of Cyprus, voting separately as Greek Cypriots and Turkish Cypriots’.⁴⁹ Ordinary decisions were to be taken by a simple majority of its members, which included one quarter of present and voting senators from each constituent state. For the approval of the federal budget, Presidential Council elections, and matters deemed as being of critical interest to the constituent states, a special majority would be needed to pass decisions. This would require at least two-fifths of sitting senators from each constituent state (ten) to support the bill.⁵⁰

⁴⁸ The following section is taken from Christalla Yakinthou, *Political Settlements in Divided Societies*, op. cit. pp75-7.

⁴⁹ Constitution of the United Cyprus Republic, Article 22 (3).

⁵⁰ Constitution of the United Cyprus Republic, Article 25 (2).

The Chamber of Deputies was to be composed proportionally, according to the population of each constituent state,⁵¹ and the number of people holding citizenship in each constituent state. A maximum of 75 percent of the deputies were to hold the internal citizenship of the Greek Cypriot State and a minimum of 25 percent that of the Turkish Cypriot State. Deputies were to be elected for five years on the basis of proportional representation (PR), and all decisions were to be taken by a simple majority of members present and voting.

The Presidential Council, the executive, was to contain nine members elected from a single list with the endorsement of a clear majority (a minimum of 40 percent) of senators from each constituent state. The Council's composition was intended to reflect the country's population ratio; however at least two members were required to come from each constituent state. Were the plan to come into force over the next few years, while relative populations remain as at present, it was required that six members would come from the Greek Cypriot state and three from the Turkish Cypriot state.⁵² The President of the Council was to represent the country as both the head of state and the head of government. The offices of President and Vice President of the Council would rotate on a twenty-month basis from a member of the Greek Cypriot state to a member of the Turkish Cypriot state.⁵³ The president and vice president were required to come from different constituent states, and the president was to be deputised by the vice president.

Presidential Council members were each to head a department, as decided by the Council. The Presidential Council would also appoint members of the judiciary and independent offices. Decisions were to be taken by consensus, or by simple majority of voting members. A minimum of one voting member from each constituent state would need to

⁵¹ Constitution of the United Cyprus Republic, Article 5 (1) a.

⁵² Only four of the six Greek Cypriot members and two of the three Turkish Cypriot members will have full voting rights.

⁵³ Kofi Annan, 'Report of the Secretary-General on his Mission of Good Offices in Cyprus', United Nations Document, 28 May, 2004 UN doc S/2004/437 paragraph 44, p.11.

have voted in favour of a decision in order for it to be passed, and neither the president nor the vice president was to have a deciding vote.⁵⁴

The federal administration and judiciary specified in the Annan Plan also followed consociational principles: staffing of the public service was to be in accordance with the relative populations of the constituent states.⁵⁵ The federal police was to be composed of an equal number of staff from each constituent state, and the head and deputy head of the federal police would not be permitted to come from the same constituent state.

The Supreme Court was to be comprised of an equal number of judges from each constituent state and three non-Cypriot judges.⁵⁶ All Supreme Court judges⁵⁷ were to be appointed by the Presidential Council. Decisions were to be taken by consensus, or by simple majority of the Cypriot judges. If there were no majority among the Cypriot judges,⁵⁸ the non-Cypriot judges would participate in the decision of the court to cast a single vote.⁵⁹ The Supreme Court was to have jurisdiction over the resolution of deadlocks in federal institutions if the deadlock was retarding decision-making.⁶⁰

The Annan Plan also provided detailed procedural guidance on all aspects of the country's reunification. Reunification would involve extensive re-shuffling of populations with the settlement of disputed territory claims,⁶¹ and the re-shaping of the geographical boundary of each constituent state according to negotiated agreements between the sides. Citizenship, similarly, has double relevance as individuals would, in accordance with the Plan, be identified both as members of the UCR and of the

⁵⁴ Constitution of the United Cyprus Republic, Article 42

⁵⁵ With the safeguard that at least one third of every level of the public service must be staffed by members of each constituent state.

⁵⁶ Constitution of the United Cyprus Republic, Article 6 (2).

⁵⁷ Both Cypriot, and foreign.

⁵⁸ This provision was added into the third version of the plan.

⁵⁹ Constitution of the United Cyprus Republic, Article 36 (2).

⁶⁰ Constitution of the United Cyprus Republic, Article 36 (6).

⁶¹ Population re-settlement, and the issue of property are very important aspects of the Cypriot reunification juggernaut, but outside the scope of this thesis. There have been a number of recent publications on this issue. For an outline of the issue, see Gürel, Ayla and Özersay, Kudret, *The Politics of Property in Cyprus: Conflicting Appeals to 'Bizonality' and 'Human Rights' by the Two Cypriot Communities*, PRIO Report 3/2006 <http://www.prio.no/files/manualimport/cyprus/documents/Cyprus%20Property%20Report.pdf> (accessed 12 July 2007).

constituent state upon which their ethnic identity is based. Internal constituent state citizenship would be important because the Plan envisaged limitations being placed on the freedom to establish permanent residence within the state in which the citizen does not hold constituent state citizenship. These limitations were to be removed upon Turkey's entry into the EU or upon agreement by representatives of both constituent states.

Principal challenges to adoption

The primary challenges to the Annan Plan's adoption were socio-political. While the plan received the support of Turkish Cypriot political and community elites, it did not find similar endorsement among Greek Cypriot leaders. The then-president, his party, and the powerful Cypriot Orthodox church rejected the plan outright and forcefully. In his address to the country, Papadopoulos charged that the plan was a betrayal of Cypriot Hellenism.⁶² The Bishop of Kyrenia condemned the plan's supporters to hell.⁶³ Major coalition party AKEL – historically supportive of reconciliation – wavered until the last minute, and then opposed the plan. AKEL leader Christofias asked for the public to give a 'soft no' in order to cement a 'strong yes' at a later date.⁶⁴ The only major party which supported the plan was ex-president Clerides' DISY, which nevertheless lobbied strongly in favour. The referendum period was one of great crisis in Greek Cypriot politics, where, for the first time, the public was confronted with the reality of a post-war solution, and it was very different to the perception that had been shaped for them by political elites. In a state of extreme anxiety and tension unparalleled since the 1970s, the Greek Cypriot community split deeply down the middle. People who supported the plan were labelled traitors to the national honour, agents of foreign powers, or plain naïve fools. It has taken a number of years for the society to recover from this tear in the public consciousness. Sitting beneath this split is the society's complete unpreparedness for the compromises required by a resolution.

⁶² Tassos Papadopoulos, Address to the Nation by the President of the Republic of Cyprus, 7 April 2004.

⁶³ His comment was, 'those who [vote] yes will lose their homeland and the kingdom of heaven'. Demetra Molyva, 'Synod calls for rejection', *Cyprus Weekly*, 23-29 April 2004.

⁶⁴ INSERT REFERENCE

Both communities came to believe over the years in the unshakable legitimacy of their cause. Turkish Cypriots believed that it was abundantly clear to the international community that the only means of protecting their survival as a community was with their own statehood. Thus, recognition of the TRNC was seen as something just. The Greek Cypriot land that was taken was simply the price of freedom. They highlighted the exchange: Turkish Cypriots had gained territory in the island's north, but had left property in the south. The Turkish army's presence was seen in the first two post-war decades as being necessary to protect the community's security. On the flip side, Greek Cypriots did not see what had happened in the 1960s as causing any kind of significant threat to the Turkish Cypriots as a community. Likewise, the 1974 Turkish invasion was not seen as contextual, but a brutal land-grab; the Turks taking advantage of the Greek *coup* attempt. The *coup* itself was perceived as an entirely internal matter, with Greek Cypriots being the primary victims. Thus the conflict was a straightforward case of invasion and occupation. Its solution, therefore, was a matter of the occupying army withdrawing, and territory being returned to its rightful owners. Many Greek Cypriots will argue that the Turkish army's continued presence on the island⁶⁵ undermines any possibility of negotiating in good faith. Turkish Cypriots will argue that they do not feel safe without the military presence. But both sides also know that the army is the Turkish Cypriots' king against the Greek Cypriot ace of international legitimacy.

The pressure of extended non-recognition, complete dependency on Turkey for political survival, and the RoC's impending EU accession leaving the Turkish Cypriot community even further behind caused a crack in the belief that the state/community could continue as it was. Between 2002-4, the political opposition joined trade union and civil society leaders in explaining the concessions that would need to be made, and the benefits gained in exchange. Many in the community had a reaction which mirrored the later Greek Cypriot antipathy to the plan, however over two years of heavy debates paved the way for the 64% vote in favour of the solution in the 2004 referendum. On the Greek Cypriot side, however, the domestic conditions were vastly different. EU membership was all but assured so long as they continued to support the negotiating *process*. Their international

⁶⁵ Troop numbers are estimated at between 20,000 and 40,000, depending on the source.

legitimacy was guaranteed, and the plan seemed to be fraught with a greater risk than was worth taking. Counting against the plan was also the shock, stemming from the first ever public admission by the community's political elites, that not all the land taken by Turkey would be returned, and not all displaced people would return to their homes. For a people who had for thirty years been raised with the absolute conviction that any negotiated solution would facilitate the return of all displaced people, this caused an almost violent cognitive dissonance. An entire political system had been built supporting a communal split in consciousness which simultaneously allowed people to live in a post-war situation surrounded by military symbols and signs of the conflict, and remain cocooned in a very bizarre reality which promoted the illusion that the war was a mere violent blip on the screen of reality, and that quotidian pre-conflict life would resume as it was pre-1974 as soon as a solution could be negotiated.

At the most obvious level, the principal challenge to resolution of the conflict over its many years has been elite support, both Greek and Turkish Cypriot. And while this remains a problem in both communities, it veils a deeper and much more problematic challenge: that of public readiness to end the war. More specifically, a major problem which continues to prop up the conflict is the complete lack of inter-communal trust, and willingness to see the other's trauma as legitimate. This means that the principal challenges to adoption of a solution are not only overcoming the usual zero-sum interlocutor mentality and coalescing international support, but also bringing the broader public on board.

Status

Since 1964 there have been xx UN-led efforts to resolve the conflict. Over those years, many calls have been made by civil society groups and politicians for the international community to help bring peace, or justice to the country. However, the crux of the conflict's irresolvable nature lies in these two loaded terms. Peace and justice are still being defined by each side's leaderships as a gain which will legitimise and justify an important loss to the other community. There are very few moves to explain why compromise is so important, or, indeed, valuable. The Christofias-Talat period has shown us how even conciliatory elites can end up unable to move too far outside the cage

created by the many years of nationalist extremism. They are hemmed in by unhappy publics that have been misled for many years, and left with broken promises by the international community. Underlying public pressure on the leadership is fear: of the unknown, of a past that has been simultaneously suppressed and exploited for political gain, and of a negotiating process that none of the elites are explaining clearly.

For too long, international focus has been fixated on bringing Greek and Turkish Cypriot leaders to the negotiating table to broker a political agreement. Not nearly enough attention has been paid to understanding and working to heal the socio-psychological wounds of war and deconstructing poisonous attitudes about the other side. The UN's 2004 efforts in Cyprus made obvious the fact that no amount of elite-level international peacemaking will solve a conflict which continues to harbour deep-seated unresolved resentments which can be used by ethnic entrepreneurs to sway a vulnerable electorate.

The situation in Cyprus remains tense, especially as the leaders are again coming to a critical point in the new negotiation process. The *status quo* has outlasted almost forty years of post-war negotiations, and if it continues, it will cement the *de facto* partition. There is also a quiet belief among many Greek Cypriots, and a growing number of Turkish Cypriots, that some version of the current *status quo* may be the conflict's best solution. This perception rests upon the shaky premise that the 'known' is safer than the 'unknown'; that is, that the current uncertainty of division is preferable to the future uncertainty bought by any solution.

Though only a whispered option, this is also a solution of the conflict. However, to take forty years of negotiations to get back to the beginning of the circle places a number of question marks over the effectiveness of the entire game of international conflict resolution.