



The UN Mediation on Cyprus Rejects the Outcome of the 2004 Referendum

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Forty one years since the Turkish invasion and the continuing occupation of 37% of the Republic of Cyprus, a new round of UN sponsored talks is well under way. In 2004, in a free and democratic referendum, 76% of the Greek Cypriot voters rejected the so-called “Annan Plan” which proposed an unprecedented constitutional sophistry known as the “bizonal, bi-communal federation.” Eleven years later we witness the resurrection of a rejected plan that violates European norms.

UN mediators, supported by British and American diplomats, have attempted to create a false sense of optimism that the “two Cypriot leaders” (equating the President of the internationally recognized Republic of Cyprus with the head of the puppet regime of occupied Cyprus) will soon resolve this perpetuated problem. These diplomats either have short memories or believe that the Greek Cypriots do! Back in 2008 we heard similar optimistic statements following the election of Mr. Christofias to the presidency of Cyprus. They argued then that because of the President's personal and ideological friendship with Turkish Cypriot leader Talat, the “two leaders” would overcome obstacles in the negotiations and reunify their divided island. Ankara's partitionist policy proved them wrong and will do so again.

UN image makers present Mr. Akinci, the current Turkish Cypriot leader, as the “moderate” figure who, along with President Anastasiades (who supported the failed 2004 Annan Plan), will succeed where others failed. This artificial optimism overlooks Mr. Akinci's steadfast advocacy of a two state solution for Cyprus. The proposed two states will be joined in a loose confederation under a new name, a new constitution, and Turkey's guarantee. This has been Turkey's position since 1974. The November 1983 proclamation of the so-called “TRNC” in occupied Cyprus was a step in that direction. The UN mediators are not disturbed by Ankara's repeated declarations that Turkish Cypriot negotiating positions are defined in and approved by Ankara.

Greek Cypriots have been warned not to miss this “final” opportunity to resolve the Cyprus problem. Claims of past “missed opportunities” include plans like that of former UN

Secretary-General Annan (2002-2004) that would have legitimized the outcome of the Turkish invasion and would have brought about the demise of the Republic of Cyprus. None of these “solutions” conformed to European norms, or provided for a functional, viable, democratic, rule of law oriented political system free from Turkey's hegemony. I have argued for years that if a state and its people do not stand up to protect their independence, sovereignty and internationally guaranteed human rights, they should not expect foreign interlocutors to do that for them.

Since 1975, the UN sponsored talks have transformed the Cyprus problem from one of invasion and continuing occupation to a search for a new constitution and the replacement of the Republic of Cyprus by a new political entity. Repeated rounds of talks have resulted in onerous Greek Cypriot concessions without any reciprocity from Turkey. The Greek Cypriot concessions

- a. have been incorporated in the Anglo/American-sponsored UN Security Council resolutions,
- b. have become the basis of “opening statements” defining the process and the outcome of the UN sponsored talks. Typical was the opening statement of 12 September 2000, on which the Annan Plan was based, and that of 11 February 2014 defining the objectives and the outcome of the current talks,
- c. have encouraged Turkish policies downgrading the Republic of Cyprus and promoting the de facto recognition of the puppet regime of occupied Cyprus,
- d. have been taken for granted and have been incorporated in “convergence” documents. Despite Turkey's negotiating intransigence, successive Cypriot governments have failed to demand zero based negotiations.

In total disregard of the outcome of the 2004 referendum, the latest round of talks is based on the same unprecedented constitutional scheme known as the “bi-zonal, bi-communal federation” that was overwhelmingly rejected in 2004. With constructive ambiguity this unprecedented constitutional model will replace the Republic of Cyprus with a loose confederation of two largely autonomous states under Turkey's veto and guarantee. The UN mediators are not bothered by the fact that their proposed scheme violates the European Convention on Human Rights which is fundamental EU law. Article 14 of this Convention prohibits discrimination on the basis of ethnicity, religion and language. The proposed “bi-zonal, bi-communal federation” is based on this form of discrimination!

Turkey accepted the presence of a European Union representative in the talks, as it did in 2004, but only for the purpose of legitimizing derogations from EU law that will be part of the proposed settlement. If approved by a referendum, these derogations will deprive Cypriots of the right to challenge discriminatory settlement provisions in European courts.

Constructive ambiguity defines the “non-papers” exchanged in the talks. For example, while certain documents uphold the rule of law and human rights, these rights are negated by subsequent papers elaborating on the separate identities of the two states in the proposed bi-zonal confederation.

In the 2004 referendum 76% of the Greek Cypriots rejected the unprecedented constitutional scheme of the “bi-zonal, bi-communal federation”. This time, in an attempt to break up the united front that voted against the Annan Plan, Turkey and the UN have leaked the news that the new resolution plan may include provisions for the partial return of some displaced Greek Cypriots to portions of the occupied city of Famagusta. They forget that the 1979 agreement between the President of Cyprus and the Turkish Cypriot leadership and subsequent UN resolutions call for the unconditional return of all of the occupied city of Famagusta to its legitimate inhabitants. Turkey has turned legal and political obligations into bargaining chips to attain other goals such as the opening of new chapters in its frozen EU accession talks and to bring about the de facto recognition of the puppet regime of occupied Cyprus.

The talks on Cyprus have also been complicated by the fact that Turkey, a European Union candidate country, does not recognize the Republic of Cyprus, which is a member of the EU, and Turkey does not accept EU and international law on the Law of the Sea. Turkey sent warships into the EEZ of Cyprus, a country member of the EU and the UN, and threatened both the Republic of Cyprus and companies legally engaged in hydrocarbon exploration in the Cypriot EEZ. Naive assumptions by the current and the previous President of Cyprus about how hydrocarbon wealth could encourage the resolution of the Cyprus problem, gave the opportunity to Turkey and to UN interlocutors to introduce this issue in the negotiations. Turkey now claims that the hydrocarbons belong equally to the two communities. The UN also proposed that hydrocarbon revenues be used to cover the expected costs of reunification and to cover claims for damages incurred during and since the Turkish invasion. The UN mediators appear to be willing to mortgage the future of Cyprus while relieving Turkey of all responsibility for its actions. US diplomats have staunchly supported these plans. As an American, I wonder why our diplomats do not propose a similar plan for the division of hydrocarbon wealth in Alaska between its native population and those who settled in the state. Our diplomats are also supporting Turkey's position that Cypriot and Israeli hydrocarbons be transported to Europe via Turkish pipelines. This would offer Turkey one more opportunity to blackmail not only Cyprus, but also Israel and the EU.

The February 2014 opening statement for the current talks provides a detailed pathway for implementing Turkey's plan for the partition of Cyprus. However, it leaves open to negotiation issues vital to the Greek Cypriots including: the return of occupied territories; the properties of the displaced; the removal of occupation forces and the Turkish settlers who now outnumber native Turkish Cypriots by a ratio of 3:1; and Turkey's intervention rights.

Many of these issues have now become Turkish “red lines” in the talks. Goodwill gestures by the government of Cyprus have allowed representatives of the illegal regime of occupied Cyprus to conduct unhindered “high level” visits abroad. Moreover, so-called NGOs, funded by foreign governments, exploit Cypriot democracy to carry out propaganda activities promoting the UN plan. It is ironic that these so-called NGOs do not conduct similar propaganda activities in Turkey!

Forty one years since the Turkish invasion and eleven years since the historic democratic referendum that rejected the Annan Plan, Greek Cypriots will soon face vital questions affecting their future and the future of their Republic. Greek Cypriots must stand united, as they did in 2004, in order to stop the latest attempt to destroy their country and to legitimize the outcome of the Turkish invasion and continuing occupation.

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