



AHI

AMERICAN HELLENIC INSTITUTE, INC.

**ONE YEAR LATER:
THE 2008-09 CYPRUS NEGOTIATIONS**

A Review & Assessment

BACKGROUND

On July 20, 1974, Turkey invaded the Republic of Cyprus with the illegal use of U.S.-supplied arms and equipment in violation of the U.S. Foreign Assistance Act of 1961, as amended, the UN Charter article 2 (4), the preamble and article 1 of the NATO Treaty, and customary international law. Turkey occupied about four percent of Cyprus during the initial phase of its invasion. On August 14, 1974, **three weeks after the legitimate government of Cyprus was restored**, Turkey launched the second phase of its invasion of Cyprus. As a result of the invasion more than one-third of Greek-Cypriots became refugees, 1,500 persons went missing (a majority of their cases are still unsolved), and nearly 180,000 Turkish settlers have been illegally brought to Cyprus, altering the country's demographics. Thirty-five years after the invasion, Turkey continues to illegally occupy 37 percent of Cyprus by maintaining 43,000 of its troops in northern-occupied Cyprus.

Several attempts to find a solution to the division of Cyprus over the past three decades have failed. The purpose of this document is to provide: 1) a summary of the most recent attempt to find a solution under the July 8, 2006 high-level UN Agreement, 2) an assessment of a year's worth of negotiations under this Agreement, and 3) an idea of what is needed for a solution to be realized.

PRELUDE TO A NEW CYCLE OF NEGOTIATIONS

July 8th Agreement Principles

On July 8, 2006, former President Tassos Papadopoulos and Turkish Cypriot representative Mehmet Ali Talat agreed to a set of principles to find a solution based on UN Security Council resolutions. UN Under Secretary-General for Political Affairs Ibrahim Gambari initiated and brokered this effort. The set of principles included:

- A commitment to the unification of Cyprus based on a bi-zonal, bi-communal federation and political equality as set out in relevant Security Council resolutions;
- Recognition of the fact that the status quo is unacceptable and that its prolongation would have negative consequences for Turkish and Greek Cypriots;
- A commitment to the proposition that a comprehensive settlement is both desirable and possible, and should not be further delayed;
- An agreement to begin immediately, involving bi-communal discussion of issues affecting the day to day life of the people and concurrently those that concern substantive issues, both of which will contribute to a comprehensive settlement; and
- A commitment to ensure that the 'right atmosphere' prevails for the process to be successful, including the pursuit of confident building measures and putting an end to the so-called "blame game."

Although the July 8 Agreement reaffirmed the Republic of Cyprus' commitment to reunify Cyprus on the foundation of a bi-communal, bi-zonal federation, the Turkish side, unfortunately, continued with efforts to politically upgrade the illegal regime and contend that Turkish-Cypriots were "isolated." This continued intransigence led to a nearly two-year delay to the start of negotiations under the principles of the July 8 Agreement.

On February 24, 2008, Demetris Christofias was elected President of Cyprus. Soon thereafter, on March 21, 2008, he met for the first time with Turkish Cypriot representative Mehmet Ali Talat for talks under the July 8 Agreement. Six working groups and seven technical committees were established. The Working Groups are:

- Governance and power-sharing
- EU matters
- Security and Guarantees
- Territory
- Property
- Economic matters

The Technical Committees include:

- Crime/Criminal matters
- Economic and commercial matters
- Cultural heritage
- Crisis management
- Humanitarian matters
- Health
- Environment

The July 8 Agreement reflects a new approach to the settlement process—*the solution achieved must be one that is reached by Cypriots for Cypriots*. This is a response to the failed Annan Plan and the excessive level of involvement by outside entities, namely Turkey and Britain, in the formulation of that plan. Ultimately, outside influences led to the Plan's demise.

2008: A NEW CYCLE OF NEGOTIATIONS

On July 25, 2008, within the framework of their cooperation with the UN secretary-general, under the July 8, 2006 Agreement, Cypriot President Demetris Christofias and Turkish Cypriot representative Mehmet Ali Talat signed a common agreement announcing a new cycle of direct negotiations. These negotiations commenced September 3, 2008. According to an official joint statement, both leaders agreed to set-up a secure telephone line for the purpose of direct communications. They also agreed upon several confidence-building measures to create trust among the communities.

On September 3, 2008, President Christofias was clear to state the Republic of Cyprus began the process having already made one significant concession:

“...a solution based on a bizonal, bicomunal federation was a major concession made by President Makarios in 1977, and due credit should be given to this concession. I wish to be clear from the beginning of this process: with this concession, the Greek Cypriot side has exhausted its limits and cannot go any further. Neither confederation, nor a new partnership of two states through ‘parthenogenesis’ can be accepted. The federal solution will be a partnership of the two communities.”

Summaries of the 40 meetings held between September 2008 and September 2009 are found by clicking on the following two links¹:

- [Launch of full-fledged negotiations on the Cyprus problem \(September 2008 - April 2009\)](#)
- [Limnitis opens, latest developments \(May- August 2009\)](#)

AN ASSESSMENT OF THE 12-MONTH PROCESS

The 12-month negotiation process that began September 2008 and ended September 2009 yielded some encouraging developments. The fact that the Greek Cypriot and Turkish Cypriot communities resumed direct talks is to be applauded. All told, 40 rounds of direct talks were held during this time-span and 22 confidence-building measures commenced. However, there were disappointing outcomes in chapters where some progress was realized. Moreover, minimal progress, if any, transpired with the more critical chapters (for example, property, security, etc.).

Increased Bi-Communal Contacts

The agreement to open the Ledra Street crossing point on April 3, 2008, five months prior to the start of direct talks, has led to increased bi-communal contacts between Greek Cypriots and Turkish Cypriots. On June 26, 2009, during the first round of direct talks, an agreement was reached to open a second crossing point at Limnitis/Yesilirmak. However, the opening of the Limnitis/Yesilirmak crossing point has yet to be fully implemented because feasibility studies must be conducted for the upgrade of the Kato Pyrgos – Limnitis Road, according to a *Cyprus News Agency* report of October 8, 2009. The feasibility studies are being conducted by Greek Cypriot and Turkish Cypriot engineering companies in a joint venture. When in full operation, both crossing points will result in:

- increased interaction and cooperation in areas such as crime fighting and access to emergency medical services; and
- increased economic activity, trade, and employment opportunities which is expected to lead to a rising per capita income for Turkish Cypriots. This rate has more than doubled in the past three years.

More importantly, the rising amount of bi-communal contacts, which has contributed to the 15-plus million incident-free crossings of the “Green Line” since 2003, further demonstrates that Greek Cypriots and Turkish Cypriots can co-exist peacefully.

- *This begs the question of why Turkey keeps 43,000 of its troops on the island.*

Mixed Results: Cultural Heritage Preservation and Religious Freedom

Cooperation and progress in cultural heritage preservation (arguably one of the less-contentious areas of negotiation) appeared promising after a series of meetings were held from January 2009 to March 2009. President Christofias and Mr. Talat agreed to establish an Advisory Board for the maintenance, protection, and re-

¹ To view please visit: http://www.moi.gov.cy/moi/pio/pio.nsf/developments_en/developments_en?OpenDocument#16

establishment of Cyprus's cultural heritage. However, when the agreements reached by the technical committee were applied, the results were disappointing.

- Religious sites that have undergone restoration or repair are located mostly in the territory controlled by the Republic of Cyprus.
- The opening of Christian churches is still forbidden in occupied-northern Cyprus and access to many historical sites located there is denied.
- Christians in occupied-northern Cyprus must travel south to practice their religion.

To cite an example, an agreed-upon passage of 670 Greek Cypriot pilgrims into occupied Cyprus to observe a religious holiday on September 4, 2009 did not go unimpeded by Turkish Cypriot authorities. Conversely, on August 8, 2009, 200 Turkish Cypriots were granted free passage and crossed the border south to visit the "Kokkina" enclave in order to observe an anniversary of a historical event important to the Turkish Cypriot community.

In sum, the Turkish Cypriot community has done nothing to fulfill its commitment on this chapter. It calls into question the Turkish Cypriot side's political will, including Ankara's, to reach a solution. Moreover, it demonstrates a lack of respect for the peace process. In fact, the September 4 incident resulted in a brief delay to the scheduled start of the second round of talks that eventually began September 10.

Deadlock on Key Chapters and Issues

President Christofias and Mr. Talat have met extensively on key chapters that deal with the formulation and structure of a new government, property, security, EU matters, economy, and territory. With each of these chapters, each side presented its position and exchanged views through a series of meetings. These chapters possess the most complicated issues to resolve, and as a result, no agreements were reached by the conclusion of the first round of talks. In fact, any tangible progress is hard to pinpoint.

For instance, the governance and power sharing chapter is an example of what has transpired with many of these chapters. The governance and power sharing chapter covers the structure of the federal government, including executive, legislative, and judiciary powers. It is one of the most comprehensive chapters, consuming a majority of President Christofias' and Mr. Talat's time during the first four months of negotiations. After 14 intensive meetings, some "convergences" were acknowledged, but deemed insufficient. Moreover, in January 2009, this chapter was deadlocked due to Turkish Cypriot intransigence.

"...the insistence of the Turkish side to weaken the role of the federal government and to endow the federated units with most of the functions and powers usually reserved for federal governments, creates concerns and suspicions that the Turkish side is aiming for an entity approaching confederation rather than federation, as prescribed in relevant UN Security Council resolutions on Cyprus," stated President Christofias in an address given on January 12, 2009.

For a Cyprus solution to be realized, Turkish Cypriots must abandon the position of a confederation. The position of a solution based on a confederation emanates from Ankara. Turkish Prime Minister Recep Tayyip Erdoğan hinted at the notion in his speech before the UN General Assembly on September 24, 2009:

“...I would like to stress the following point as well: if a solution cannot be found...the normalization of the status of the Turkish Republic of Northern Cyprus will become a necessity which can no longer be delayed.”

Commenting on Prime Minister Erdoğan’s UN General Assembly speech, President Christofias said he was “disappointed”² and only saw “the violation of several Security Council resolutions that had condemned another Member State.”³ *Greek News* reported that President Christofias sent a “crystal clear message to both the international community and the Turkish side, of his intentions for a speedy solution, under the condition the other side **abandons its maximal positions that lead to confederation** [emphasis added].”⁴ *Today’s Zaman* also reported President Christofias expressed “disappointment over a speech by Prime Minister Recep Tayyip Erdoğan in which he signaled that **Ankara might revise its pro-reunification stance**...[emphasis added]”⁵

WHAT IS NEEDED TO SOLVE THE CYPRUS PROBLEM?

1. Turkey Must Play a Constructive Role.

Although the peace process belongs to Cypriots, Turkey must adhere to its responsibilities. Turkey holds a significant key in the search for a solution to the Cyprus problem, and must play a supportive role and constructive role if a solution is to be reached. Ankara exerts extensive influence over the Turkish Cypriot community in occupied-northern Cyprus. It is evident that the positions of the Turkish Cypriot community, as presented by Mr. Talat, are cleared through or dictated by Ankara. Turkey must give Mr. Talat the necessary freedom to negotiate a solution within the established framework. Instead, Ankara thus far has chosen to continue to advance policies that further solidify the division of Cyprus, keeping its 43,000 troops on the island, in addition to illegal Turkish settlers, and wanting the right to intervene in Cyprus. These detrimental policies are not in concert with the international community.

In October 2009, Turkey squandered an opportunity to accept a more constructive role in the peace process when President Christofias proposed to meet directly with Prime Minister Erdoğan to discuss the Cyprus problem in his speech to the UN General Assembly on September 24, 2009:

“Nevertheless, I would like from this august body to express my readiness to initiate dialogue with the Turkish leadership, in parallel to our negotiations with the Turkish Cypriot leader ... which would greatly enhance the chances of a positive outcome to the negotiations.”

President Christofias’ contention was that the Cyprus issue will only be solved if Turkey demonstrates initiative. Instead the prime minister counter-proposed a “four-way dialogue” between Turkey, Greece, the

² <http://www.presidency.gov.cy/Presidency/Presidency.nsf/All/A50B8AD8E34C179CC2257641003B0207?OpenDocument>

³ http://www.un.org/News/briefings/docs/2009/090925_Cyprus.doc.htm

⁴ <http://www.greeknewsonline.com/?p=10916>

⁵ <http://www.todayzaman.com/tz-web/news-188202-christofias-says-disappointed-by-erdogans-un-speech.html>

Republic of Cyprus, and the Turkish Cypriot community, which was rejected because the Turkish Cypriot community “cannot be treated on an equal basis with the Republic of Cyprus,” according to an AKEL party leader.⁶

2. Turkish Cypriots Must Take Ownership of the Process.

A solution to the Cyprus problem must be achieved by Cypriots for Cypriots. A solution must first serve the interests of Cypriots and can only be achieved and be viable if Cypriots take ownership. Therefore, Turkish Cypriots need to take ownership of their end of the peace process. Turkish Cypriots must dismiss any notion of a solution based on a confederation. Their failure to do so demonstrates a lack of commitment to find a solution under the July 8 UN Agreement. Furthermore, Turkish Cypriots must understand that by recognizing the Republic of Cyprus as their international representative in international organizations, Turkish Cypriots will realize more benefits than by being a non-recognized entity under the administration of Turkey.

3. No Arbitration and No Artificial Deadlines.

A degree of pressure has been exerted to increase the pace of the negotiation talks due to the European Commission’s upcoming December 2009 assessment of Turkey’s progress for EU accession. Although the Republic of Cyprus supports Turkey’s EU accession based upon Turkey meeting all of the EU’s criteria, the Republic of Cyprus has stressed that in order for the negotiations to yield beneficial results there should be no artificial deadlines, no arbitrators in the process, and no pressure of any nature. Moreover, it is important that the spring 2010 so-called “election” in occupied-northern Cyprus is not perceived as an artificial deadline because of the perceived concern that the talks will fail should Mr. Talat lose. Prime Minister Erdoğan’s statement to the UN General Assembly that “negotiations cannot be sustained ad infinitum” must be discounted and dismissed. Cypriots must take as much time as necessary to get the best and most beneficial solution for Cypriots.

4. The U.S. Must Exert Its Influence on Turkey.

It is in the best interest of the United States to exert its influence on Turkey to encourage her to play a supportive role in the Cyprus peace process and not a detrimental one. Turkey’s illegal invasion and occupation of Cyprus is in violation of the rule of law, including U.S. laws, which the U.S. has tolerated. In essence, a double-standard is applied to Turkey which harms U.S. interests because it renders the U.S. ineffective in its promotion of democracy, human rights, liberty, and the rule of law to other nations in the region and the world. Therefore, as a starting point, the United States must exert its influence by convincing Turkey to begin prompt withdrawal of its troops from the island. Complete removal of Turkish troops and settlers from Cyprus will also aid Turkey’s European Union prospects. Finally, the United States has publically supported a bi-zonal, bi-communal federation as a solution to the Cyprus problem. As such, the United States should exercise its influence to call on Turkey to publically, and more actively, support the same solution.

⁶ http://www.cyprus-mail.com/news/main.php?id=48475&cat_id=1

THE AMERICAN HELLENIC INSTITUTE'S POSITION

The American Hellenic Institute (AHI), a leading Greek American think-tank and public policy center, has a clear position on what constitutes a just and viable solution to the Cyprus problem. AHI's position:

- supports a settlement of the Cyprus problem through negotiations based on a bi-zonal, bi-communal federation in a state with a single sovereignty and international personality, incorporating the norms of a constitutional democracy embracing key American principles, the EU *acquis communautaire*, UN resolutions on Cyprus, the pertinent decisions of the European Court of Human Rights and of other European Courts -- as is the best interests of the United States;
- calls for the withdrawal of Turkey's 43,000 occupation troops illegally in Cyprus;
- calls for the return of the 180,000 illegal Turkish colonists/settlers in Cyprus to Turkey and for a halt to the illegal bringing of more colonists/settlers from Turkey to occupied Cyprus to illegally change the demographics of the island and of the Turkish Cypriot community, all of which is in violation of the Geneva Convention of 1949;
- calls for the restoration of property illegally taken in the northern-occupied area of Cyprus to their rightful owners, and payment by Turkey to the owners for deprivation of the use of their property;
- urges the U.S. government to direct Turkey to tear down the green line barbed wire fence across the face of Cyprus, making Nicosia the last divided capital in Europe;
- contends Ankara must not manipulate the direct talks or restrict Mr. Talat during negotiations; and
- calls on Ankara to normalize relations with the Republic of Cyprus, a member of the European Union (a body to which Turkey aspires to join), and as agreed to by Turkey.

AHI's positions underscore support for the rule of law and respect for international law and are in the best interests of the United States.

CONCLUSION

For 35 years, the people of Cyprus have endured an illegal occupation and massive violations of human rights and fundamental freedoms by Turkey, an ally of the United States. The first round of peace talks under the umbrella of the July 8, 2006 high-level UN Agreement concluded September 2009 with minimal tangible progress made. We witnessed that when an agreement was forged and applied, for example with cultural heritage, the Turkish Cypriot community failed to meet its initial commitment to that agreement. Moreover, the chapters that will define what a reunified Cyprus will "look like"—from its government to security to economy—are deadlocked after one year. Simply stated, the Turkish Cypriots, with the support of Turkey, continue to present proposals and positions that are outside the parameters of the UN high-level agreement and European Union principles. In essence, the Turkish side continues to push the goal posts back. Artificial deadlines are conjured to hasten the peace process. Moreover as the search for a solution continues (as it should until one is properly formulated) the Turkish side is quick to promote a confederation as a solution. This leaves one to ask how committed the Turkish side is to a bi-zonal, bi-communal federation. The problem, as well as the solution to the Cyprus issue, rests in Ankara. The U.S can play a crucial role by getting realistic with Turkey and eliminating its double-standard policy that has rewarded Turkish aggression and ignored countless violations of the rule of law in Cyprus—a valued ally of the U.S. on counter-terrorism and security issues in the Eastern Mediterranean.