



House of Commons  
Foreign Affairs Committee

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**Cyprus**

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**Second Report**

***Volume II***

*Oral and written evidence*

*Ordered by The House of Commons  
to be printed 1 February 2005*

**HC113-II**  
**Incorporating HC 1172 i-iv, Session 2003-04**  
Published on 22 February 2005  
by authority of the House of Commons  
London: The Stationery Office Limited  
£22.50

## The Foreign Affairs Committee

The Foreign Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Foreign and Commonwealth Office and its associated public bodies.

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Richard Ottaway MP (Conservative, Croydon South)

### Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via [www.parliament.uk](http://www.parliament.uk).

### Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at [www.parliament.uk/parliamentary\\_committees/foreign\\_affairs\\_committee.cfm](http://www.parliament.uk/parliamentary_committees/foreign_affairs_committee.cfm). A list of Reports of the Committee in the present Parliament is in the inside covers of this volume.

### Committee staff

The current staff of the Committee are Steve Priestley (Clerk), Sarah Ioannou (Second Clerk), Ann Snow (Committee Specialist), Kit Dawnay (Committee Specialist), Kevin Candy (Committee Assistant), Julia Kalogerides (Secretary), and Chintan Makwana (Senior Office Clerk).

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A number of submissions bearing illegible signatures and no address were also received and have been placed in the Records Office.

Panicos Eleftheriou	Bryn Lewis	Zekiye Yucel
Zack Charou	Demetra Solomou	Ibrahim Kanli
Gonul Yavas	Peter R Hewitt	Najma Shah
Professor Owen R Ashton	Angie Collings	Kemal Toz
Michael Doolin	Neil Howard	Mr Fahri Zihni
Mark Piazza	Michael John Haslam	Caner Mustafa
Hilarie Jones	Roy Haskett	Mr Veli Avdji
Vaughan Williams	Stephen Christie	Mr Osman Mehmed
Vivienne Hope	Mrs Linda Greenan	Mrs Narin Zekayi
Yvonne Smith	Mrs Teresa Cefa	Imren Incirli
Mr John and Mrs Sandra Dear	Fanoulla Argyrou	Mustafa Rifat
Linda Koupparis	Brendon Lancaster	Sonya Nedjib
Dr John Galpin	Ray Hainsby	Jan Kiamil
Peter Craig	Mrs Jane Howard	Cllr Ertan Hurer
Gary Smith	Stephen J Brady	Ermine Ibrahim
Jerry Dixon	George Eleftheriades, Australian Citizens Committee for Civil Concerns	David Bedford
Christine Soper	Dr Geoffrey Quick	Cengiz Rifat
Mr and Mrs B Wicks	Anne Mcdougall	Altan H Aras
Robert Dudman	Ms Joanna Koussertari	Alkan Mustafa
D Thomas	Professor Michael Attalides, Friends of Cyprus	Ozel Ramiz
Michael Wheeler	Philippos Eleftheriou	Mr Altan Munir
Mr and Mrs S Collard	Free Ayios Amvrosios Association	Beyhan Aziz
Amanda Sowerby	Pavlos Afxentiou	Serife Yusuf
Mr J and Mrs M Mansfield	Anita and Tony Woods	Mr E Dervish
Richard Long	Edward Ashburn	Father Papa Elias
Phil Krause	Mrs Julia E Holmes	Christina Lillitou
R J Tirard	Frances E Allen	Mrs Mary Helen Karaolis
Demetrios Markou	Suzanne Nuri	D R Thomas
George Evgeniou	Turgut Saridja	Mr Mustafa Salih
S A Belbas		Omer Kulle
Charles Sozou		Fatma Korusoy
		Hassan Korusoy
		Ergin Balli
		M I Mustafa

Mr Huseyin Mustafa  
North Cyprus Turkish  
Youth Club of  
Victoria  
Adil K Certel  
Sema Sener  
Ms Ipek Hamit  
Levent Yilmaz  
Deniz Huseyin  
Ms Peri Orhan  
Mr Zekai Misiri  
Mrs Rustiye Misiri  
Mrs Nimet Misiri  
Master Oguz Misiri  
Miss Pinar Misiri  
Mr T Kucuk  
Mr Macit Ibrahim  
Mr A Uysal  
Mrs Guluzar Orhan  
Atila Orhan  
Etem Dindjer  
Mrs Havva Hussein  
Mrs Ayne Djemal  
Havva Demet  
Emine Rauf  
Cermaliye Ali  
Ayse Latif  
Huseyin Yusuf  
Sumer Ahmet  
Emine A Sonmez  
Hatice Çetin  
Fatma Mehmet  
Ahmet Mustafa  
Ilkay Mustafa  
Mrs Osman  
Mrs Hirmiis Ibrahim  
Harry Blackley  
Djovit Hussein  
Mr F Mehmet  
M Mehmet  
Spyros Michas  
Mr B Hasan  
Emine Etere

Mrs Serda Suleyman  
Miss Zerin Ahmet  
Niyazi Eren  
Irfan Menevili  
Andrew Hanley  
Fevzi Turkalp  
Mustafa Irfan  
Mrs Rabia Kiuc  
Fevziye Dilgil  
Leyla Eryuneleler  
Saadet Eryurek  
Mrs D Hassan  
Alp Ermiya  
Miss A Halil  
S Saffet  
Gulsen Uzel  
Ferdiye Djamboulat  
Mr Taner Buyukoglu  
Serhat Inanli  
Fekriye Özecer  
Mr E H Ibrahim  
Nurten Arkut  
Esengul Yardim Sevenler  
Erdogan Ali Cemal  
Sultan Ali Cemal  
Emriye Ay  
P Ahmet  
Mr Rifat Ali  
Naciye Ali  
Mr & Mrs Dyevedet  
Ali Rifat  
Banire Dervish  
K Dervish  
Davut and Jake Jahit  
Emine Jahit  
Eliz Huseyin  
Emine Huseyin  
Sureya Hussein  
Mustafa Hussein  
Ayshe Hussein  
Hassan Hussein  
Aysen Zekei  
N Nazamoglu

A Nizamogley  
Mr M Nisamoglu  
S Mehmet  
Jevdet Sami  
Ismet Cafer  
Osman Salish  
Ozzam Mustafa  
Lucy Sami  
A Rifik  
Ayse Banbridge  
Metin Guvener  
Umran Ahmed  
Imran Guvener  
Perfin Arif  
Mustafa Izzet  
Omen Sulyman  
Hayriye Omer  
Halil Arif  
Erel Korusoy  
S Baybora  
Emine Korusoy  
Melda Salih  
Oner Salih  
Sema Salih  
Evran Salih  
Eda Salih  
Miss S Halil  
Mrs H Halil  
Mr T Halil  
Mrs S Halilgil  
Mr H. Halilgil  
Mr H Ahmet  
Mrs R Hassan  
Adem Ali  
Aydin Ali  
T Mustafa  
Mrs P Mustafa  
Mr S Zurnaci  
Mrs H Hussein  
Pembe Katircioglu  
Bayram Katircioglu





# Oral evidence

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## Taken before the Foreign Affairs Committee

on Tuesday 19 October 2004

Members present:

Donald Anderson, in the Chair

Mr Fabian Hamilton  
Mr Eric Illsley  
Mr Andrew Mackay  
Andrew Mackinlay

Mr John Maples  
Mr Bill Oler  
Mr Greg Pope

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### Written evidence submitted by Dr Philippos Savvides, Research Fellow, Hellenic Foundation for European and Foreign Policy (ELIAMEP)

On April 24, 2004 the two communities of Cyprus, Greek Cypriots and Turkish Cypriots, were asked to determine via two separate and simultaneous referenda whether or not they would accept the comprehensive solution presented to them by the Secretary General of the UN, Kofi Annan. The Greek Cypriot community, by a majority of 76%, rejected the proposed plan whereas the Turkish Cypriot community, by a majority of 65%, accepted it. These developments created a new environment on the island and have shaped the approach international actors involved are now following. This new environment has transformed the ways in which the current state of affairs and the prospects for a solution are evaluated.

#### THE CURRENT ENVIRONMENT

What are some of the characteristics of this new environment?

1. Greek Cypriots are facing the implications of their decision to reject the Annan Plan. They are witnessing the changes on the ground in the areas under the control of the Turkish army as well as the ways in which the international community has responded to the referenda results. The Greek Cypriot community has entered a period of introspection and evaluation of the implications of its decision.

2. Turkish Cypriots have entered into a new phase in their relationship with both the Greek Cypriots and the international community. An effort is underway by the European Union and other international actors to enhance the community's economic social as well as political development.<sup>1</sup>

3. The relations between the two communities have come under strain the day after the referenda. Turkish Cypriots have a deep sense of disappointment due to Greek Cypriot rejection of the Annan Plan. Contacts between the two communities continue as before. However, there is a growing disillusionment regarding the prospects for a solution in the near future.

4. The Democratic Rally (DI.SI) party has taken the initiative, followed by the Communist AKEL party, to begin a dialogue between the two communities in order to mitigate the mistrust and the negative feelings created by the rejection of the Annan Plan. At the same time, civil society organizations are also working towards this end.

5. There are important changes on the ground: a construction boom is taking place in the north part of the island. Specifically, the Kyrenia district has been characterized as a "huge construction site". According to latest data collected, the construction development in Kyrenia is up to 62% compared to other areas of the island that are under Turkish control. Turkish Cypriot estimation suggests that in the last few months the Greek Cypriot land sold is worth more than two billion dollars.

6. The construction boom has created new demand for labour. Hence, increasingly new labourers are being brought to the island in order to cover these needs. This new wave of settlement is sharpening the demographic alteration of the island complicating even more the prospects for final arrangements on the issue of settlers.

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<sup>1</sup> This statement represents solely the views of the author and not necessarily the Foundation, its Board of Directors, its staff or its sponsors.

7. According to a latest estimate there are about 10,000 Turkish Cypriots working in the areas controlled by the government of the Republic of Cyprus. At the same time, a growing number of Greek Cypriots is establishing business cooperation on several sectors, especially on tourism. However, this is done under an unclear political and legal base which undermines the prospects for further cooperation.<sup>2</sup>

8. Greece has been a strong supporter of Turkey's European endeavor. It remains a supporter for the opening of accession negotiations between EU and Turkey provided that the latter operates under the spirit and the letter of the EU acquis and demonstrates a constructive attitude towards the resolution of bilateral disputes as well as of the Cyprus issue. Greek-Turkish rapprochement is a positive element for the prospects of resolving the Cyprus problem.

#### *Prospects for solution*

What are the prospects for a solution in the near future?

Under present circumstances the probability for a solution by the end of the year seems remote. No initiative has been undertaken either by the government of Cyprus nor the UN nor by the other actors involved for a solution. Furthermore, Greek Cypriot public opinion has not been prepared for a "second referendum." Most likely, it will take some time before a serious attempt is made and it will depend both on the international circumstances and, especially, on developments in the domestic front of Cyprus. In April 2005 presidential "elections" are scheduled to take place within the Turkish Cypriot community. The results will shape to a great extent the new dynamics within the community. Similarly, in May 2006 there are going to be parliamentary elections for the Greek Cypriots which could potentially transform the domestic dynamics of Cyprus's political system.

Time, however, is not working in favor of unification. On the contrary. The passage of time is cementing the partition of the island to the detriment of Greek Cypriots and Turkish Cypriots alike. What is needed, therefore, are initiatives to prepare the ground so that a new effort for a solution can be successfully undertaken. These initiatives must come primarily from the government of the Republic of Cyprus and supported by the UN, the EU, Great Britain and the US as well as the Turkish Cypriot leadership and the government of Turkey.

#### *Current challenges and needed initiatives*

The current challenge is two-fold: (a) to create the conditions within the Greek Cypriot community to approve a "bizonal-bicomunal federation" as a solution to the Cyprus problem and, at the same time, (b) to avoid the disillusionment of the Turkish Cypriot community and preserve its volition for a solution. This is not an easy task as the two processes must be undertaken in parallel without undermining each other. What kind of initiatives must be undertaken?

1. It is generally accepted that the Annan Plan remains the basis for a solution to the Cyprus problem. At the same, however, it needs to be adjusted in order to reflect the new realities created by the accession of Cyprus into the EU as well as the new dimensions introduced in the framework of the European Constitution. Specifically, one needs to introduce new timetables for the return of land and properties and for the withdrawal of troops as well as some additional guarantees by the EU and the UN Security Council providing for the implementation of the solution and introduced by mutual agreement between the leaders of the two communities. Also, during negotiations the two communities could agree to mutually beneficial changes to the plan. In general, any changes will remain peripheral without altering the philosophy and the balance of the plan as a whole.

2. The government of Cyprus should clarify its position with regard to the changes it wants to bring about on the Annan Plan. At the same time, President Tassos Papadopoulos should initiate an exploratory dialogue with the Turkish Cypriot leadership in order to prepare the ground for substantive final negotiations based on the Annan Plan.

3. The Turkish Cypriot leadership should put a break on the uncontrollable construction boom on Greek Cypriot properties in the Kyrenia district and elsewhere as well as on the new wave of settlers. This is important in order to prevent the Greek Cypriot community from becoming totally alienated.

4. The Turkish Cypriot leadership can take the initiative to put an end to the practice of requesting identity cards and passports from Greek Cypriots and others who want to cross to the northern part of Cyprus. Such a gesture, as well as agreeing with the opening of additional crossing points, will undermine any efforts in the Greek Cypriot community to associate the current Turkish leadership with the policies that had been followed by Rauf Denktaş.

5. The economic, social and political development of the Turkish Cypriot community is vitally important. The EU has taken the necessary steps toward this end. More can be done in order to facilitate domestic and foreign trade of Turkish Cypriot products. However, it will prove counterproductive for all

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<sup>2</sup> The statistical information provided is being widely reported in the Greek Cypriot and Turkish Cypriot press during the last few months.

efforts to reach a solution if any measures introduced lead to a situation where the status quo is cemented. In other words, the creation of another “Taiwan” in the eastern Mediterranean will undermine the prospects of unification and peaceful coexistence.

In conclusion, Great Britain and the rest of the international community can exercise “constructive pressure” to both sides in Cyprus to take initiatives in order to re-start final negotiations based on the Annan Plan. The key to keep the prospects for a solution open is to avoid measures and policies that solidify the status quo. The challenge is to keep the desire for a solution alive in both the Greek Cypriot and Turkish Cypriot communities.

*Dr Philippos Savvides*

*17 October 2004*

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### Written evidence submitted by Christopher Brewin

#### ON EUROPEAN RESPONSIBILITY FOR PEACE IN THE EASTERN MEDITERRANEAN

##### 1. *Personal background*

My book on *The European Union And Cyprus* was published in 2000. I am currently writing a book on *Turkey And The European Union*. While more of my sources are from the South of Cyprus, this is balanced by my work on Turkey. In September I organised an international workshop on the relations of diasporic communities in Europe with the authorities of their home and host countries.

##### 2. *Ending Turkish Cypriot isolation*

On Cyprus, one positive development has been the changed attitude towards Turkish Cypriots. According to Mr Tony Blair (18 May), Commissioner Günther Verheugen (26 April), Secretary-General Kofi Annan (28 May, S/2004/437 p 2), the time has come to end the isolation of Turkish Cypriots. The Parliamentary Assembly of the Council of Europe resolved (1376) that:

“the Council of Europe and the European Union cannot ignore or betray the expressed desire of the majority of Turkish Cypriots for greater openness and should take rapid and appropriate steps to encourage it. The Turkish Cypriots’ international isolation must cease”.

The Assembly has invited two elected Turkish Cypriot deputies to attend its plenary sessions without a right to vote. The Greek Cypriot Government has itself taken the initiative in proposing measures intended to promote contact such as new rules on trade and vehicle movements across the Green Line, removing mines from the cease-fire line, reviving long-standing projects to open up the hotels of Varosha, to designate Larnaca as a port for Turkish Cypriot imports, and to develop Famagusta/Mağusa as a port once Turkey has recognised the legitimacy of the Greek Cypriot government.

##### 3. *Self-determination short of sovereignty*

The limits of European goodwill were shown by the refusal of the Dutch Presidency to attend the 2nd reunion of foreign ministers from the EU and the Organisation of the Islamic Conference. The issue was a Turkish bid to go further than in 2002 by inviting the Turkish Cypriot delegation as representing a state, the TRNC. I think the Dutch were right. While Turkish Cypriot observers representing a future constituent state of Cyprus might be acceptable in such a forum, the EU cannot recognise the TRNC as a self-determining sovereign state, legally competent to choose to become part of Turkey. That is why Ergün Ölgün’s thesis that the EU should treat Turkish Cyprus as a separate polity is a non-starter.

##### 4. *Commission proposals on aid and trade re Northern Cyprus*

More interesting is the controversy surrounding the EU Commission’s two proposals to the Council. In terms of aid, the Commission wants to reward Turkish Cypriots with the €259 million allocated to the North in the Annan plan. The trade proposal is intended to increase trade between the North of Cyprus and Member States other than Cyprus. The Commission’s two proposals have been held up through six meetings of the Committee of Permanent Ambassadors in Brussels. While the General Affairs Council is now expected to agree the financial package for pre-accession measures on 27 November, the question of simultaneous linkage to the regulation on trade remains the subject of conflicting rumours.

##### 5. *Suggested additions to draft proposals*

I want to take this opportunity to suggest how both proposals might still be improved. My colleague, Dr Costas Constantinou, suggests that the aid should also anticipate a settlement between the two communities. For example, the Turkish Cypriot authorities might build new houses North of Morphou to encourage Turkish Cypriots to begin leaving the Greek-owned houses they presently occupy. Some of the €6 million allocated for feasibility studies this year would then go direct to Turkish Cyprus instead of to Brussels-based

consultants. More tentatively, I suggest that the trade regulation places quite disproportionate emphasis on protection of the interests of Member States—a framework quota, exclusion of figs, etc. These safeguards are disproportionate in that the total trade immediately envisaged is around €50 million per annum, half of it in citrus. Moreover, the proposals do not mention the one measure which could encourage tourism—allowing charter flights to use Ercan airport. If the Greek Cypriot government can be induced to demonstrate their sovereignty by themselves requesting the listing of Ercan airport, it might be difficult for the Turkish Cypriots to reject the opening of direct flights from Western Europe on grounds of principled objection to the authority of the Greek Cypriot Administration.

#### 6. *Delay due to disputes between Council and Commission*

However, legal principles are the nub of the dispute between the Member-States over the Commission's proposals. The legal basis proposed by the Commission is Article 133, allowing the Commission to act on a mandate by majority vote of the Council. The legal service of the Council has argued powerfully that the legal basis should be Protocol 10 of the Accession Treaty, requiring unanimity for what is claimed to be a substantial lifting of the suspension of the applicability of the *acquis* to the North. This claim makes little sense to me as the regulation envisages quotas and periodic reviews which would be incompatible with any application of the trade aspects of the *acquis*. It is therefore a reasonable guess that political pressures from Greece and the Republic of Cyprus have inspired the dispute. The secondary objection that the Commission has no authority to deal directly with the Turkish Chamber of Commerce without consulting the Government of Cyprus makes more sense, as recognition is the issue. Again, the Greek Cypriot Government could choose to authorise the Commission to act on its behalf; in the past it found acceptable ways of allowing the Commission to pay the authorities in the North to take sewage from the South.

#### 7. *The case for patience*

Doubtless the Foreign Affairs Committee will be impressed by the strong consensus urging patience in fulfilling the promises made after the referendum to the Turkish Cypriots. The FCO and individual Commissioners may hint that their sturdy support for the Commission's proposed measures could not be taken to the point of antagonising the governments of Greece and Cyprus lest this jeopardise the opening of membership negotiations with Turkey. It is worth noting that Greek Commissioners and Governments did not press their initial insistence that a strong statement on Turkish troops in Cyprus should feature in the Commission's October report on Turkey's progress. The Greek Cypriot government is now more independent of Greece and can be expected to play for time. It can reasonably argue that Mr Prendergast's visit to Ankara to restart "Annan" is too early to go against the clearly expressed vote of a democracy. Secondly, it can claim that the passage of time is reducing the antagonisms underlying separation. Now that they are in the EU, Greek Cypriots are less fearful of Turkish aggression while peaceful visits to the South by Turkish Cypriots demonstrate that they are less fearful of the Greek Cypriot majority. Mr Tassos Papadopoulos has acted, in my opinion, with remarkable consistency. As an early leader of the "struggle" he also worked with Mr Fazıl Küçük in urging both communities to return to mixed villages. He supported the near-agreement in 1973 that Turkish Cypriots should enjoy minority rights and opposed the coup. Before the referendum he secretly invited Serdar Denktaş to dinner at his house. However, his respect for Turkish Cypriot cultural rights does not extend to sharing rule in a fully bicomunal state. He expects the power accrued from EU membership to be usable in persuading Ankara to withdraw all its troops and, more controversially, to take back recent settlers from the mainland. Since most other EU governments would like him to take the lead in a settlement, and do not understand that group rights in Cyprus are more important than protection of individual human rights and majority rule, his patient strategy may well win more support than it deserves.

#### 8. *Peace between Greece and Turkey, and protection of communities at risk*

My own view is that patience is good, but needs to be exercised within the context of a strong EU concept of its novel responsibility for peace in the Eastern Mediterranean. My thesis is twofold. First, peace between Greece and Turkey is as much a European milieu interest as was peace between France and Germany, and, since 1989, between Hungary and Roumania, Poland and Germany. Second, the European Union has to be willing to protect minorities who are targeted for being of the wrong religion or nation. Bicomunal solutions deserve to be as much a part of the public law of Europe as was neutrality during the period of national wars.

#### 9. *Consequences of narrow national interests*

Until recently such a concept was impossible. Western European states saw their national interests in narrow terms. The imperative of avoiding involvement in war between Greece and Turkey was so strong that as late as 1992 WEU Article V was re-written to preclude any obligation to get involved in wars between members. Military preparations focused on withdrawing diplomats and tourists in time of war. As for protecting threatened groups, despite the universal condemnation of Hitler's attacks on Jews, gypsies and

Catholics, West European statesmen showed extreme reluctance to risk their soldiers' lives by coming to the aid of Turkish Cypriots, and later to the aid of Muslims in the Balkans. Responsibility was attributed to the communities themselves, the Motherlands, the United Nations or the Americans, anybody other than Western European states or the civilian EEC. The weakness of the EU's commitment to the Annan plan's bicomunal solution can be demonstrated by the single token Turkish Cypriot official appointed to the Commission's delegation in Nicosia. The single token Turkish Cypriot official in the Cypriot representation in Brussels is similar physical evidence of the lack of Greek Cypriot commitment to the 1960 Constitution from which the Government derives its legitimacy. According to the Constitution, at least one third of official posts must be allocated to Turkish Cypriots. If the Council is really going to use its trade privileges to promote European values, develop a defence white paper this December and produce a viable concept of the range of actions needed in the Middle East, it will have to begin with a more robust approach in ensuring fairness between communities.

#### 10. *Turkey and Cyprus*

For its part, Turkey also insisted that Cyprus was a bilateral matter between itself and Greece, resenting the Greek tactic of internationalising the Cyprus problem first through the UN General Assembly and then through its membership of the European Union. The danger to Cyprus will come if, as is likely, the rule of the present conservative Islamic AK party is upset by internal division, or a nationalist, military, Islamic or Kurdish excitement. Then Europe's failure to fulfil its promises to the Turkish Cypriots will be used as an excuse to unite Turkey behind its nationalist cause of Cyprus, for many a matter of duty, honour and a past triumph. The importance of General Tolon's outburst in Cyprus was that his views on accession to the EU as a betrayal of Turkey's self-sufficient nationalism are widely shared in the army, the Ministry of Foreign Affairs, and by ordinary Turks.

#### 11. *Difficulties for the EU implicit in taking responsibility*

The Cyprus story illustrates that taking responsibility has costs—in terms of principle as well as of money and of lives. The March 1995 compromise driven through by the French Presidency is one example. To end a period of really bad relations with Turkey, the EU paid the asking price for lifting the Greek veto on moving to the final stage of the Customs Union with Turkey. As that price was allowing Cypriot accession talks without a prior settlement, this required the EU to ignore the first Copenhagen requirement. A government that cannot conduct elections in a third of its territory does not meet the criterion of democratic stability. Similarly, the Annan plan is a serious ongoing and European effort at taking responsibility to achieve a political compromise. Yet it involves costs of principle that are not trivial—Turkish Cypriot autonomy in the North means non-observance for a long time of the four basic EU freedoms and of the principle of non-discrimination.

#### 12. *The future of British sovereign base areas in a unified Cyprus*

The continued relevance of narrow national interests as the criterion of European policy in the Eastern Mediterranean can also be questioned with reference to the British sovereign base areas. The bases themselves are useful for storing supplies. Also various kinds of aircraft mission can be conducted by ourselves or our allies without having to secure the assent of the Cypriot government. Associated with the bases are the facilities for regional surveillance known as "retained sites", mostly on lease. Furthermore, the appendices to the 1960 settlement give the UK the right to do anywhere in the island whatever the UK deems necessary for the operation of the two bases. These rights are supposedly confirmed in an appendix to the Annan plan which has the agreement of the leaders of both communities but does not seem to be in the public domain. On the other hand, the basis for settling the island is supposed to be pan-Cypriot. The late British offer to return half the base areas as a sweetener for a settlement shows that the FCO know that, as India demonstrated in Goa, historic rights of property dating from the imperial era do not count for much in the UN era of self-determination by colonies. In the event of a settlement, it is predictable that a united Cyprus will treat the base areas as if they were leased, putting patriotism above commercial interests. It is anomalous that maps of the island now show the sovereign base areas of a Member-State as being outside the European Union, requiring exceptional EU agreements on the conduct of trade within the base areas. If the FCO is serious about a peace settlement, it would be better to forgo our claim to sovereignty, lease what we need on military grounds, and trust the government of Cyprus to act with us in pursuing European milieu interests. For the foreseeable future, the Americans have an alternative in the long runways built in the North by the Turkish Armed Forces.

*Christopher Brewin,*  
Keele University

18 October 2004

*Witnesses: Dr Christopher Brewin*, Senior Lecturer in International Relations at Keele University and *Dr Philippos Savvides*, Research Fellow at the Hellenic Foundation for European and Foreign Policy (ELIAMEP), examined.

**Q1 Chairman:** Gentlemen, could I welcome you to the Committee. We have before us today, Dr Christopher Brewin, who is Senior Lecturer in International Relations at Keele University, and we have Dr Philippos Savvides, Research Fellow at the Athens-based think-tank ELIAMEP, whom we had the privilege of meeting when we were in Athens. Let us move straight into the problems of Cyprus and the negotiations leading to the Annan Plan which appeared at one stage to be on the brink of success. Many thought this was by far the best hope of uniting the islands since the invasion in 1974, but alas, it has come to nothing. What is your interpretation of that, gentlemen?

*The Committee suspended from 2.35pm to 2.43 pm for a division in the House*

I began by saying that the Annan Plan failed; it may historically be seen as the best chance to date for uniting the island, long hoped for, and clearly caused immense disappointment to both the United Nations and the European Union. Is it your view, gentlemen, that in fact both sides were negotiating in good faith?

**Dr Savvides:** First of all, I should like to thank the Committee for the invitation to be here with you. I do think we have to divide the negotiation process because it took four years before we ended up with the last version of the Annan Plan. I can say with certainty that, from a Greek Cypriot point of view, the Clerides government was very sincere and ready to go forward with a solution based on the product that the negotiations would have created. I am not sure about the Turkish Cypriot leadership at the time because, if you remember, we had a different government in Turkey and a different negotiator which was Mr Denktash. I think that it is very difficult to see at which point each side was very faithful in the process, but I do think that, at the end of the day, the mechanisms of the process did not allow both the sides to sit down and work for a solution; in other words, the pressure was enormous and I think that was a good thing. The method used was good in order to sit the sides down and work for a solution.

**Q2 Chairman:** But there had been 30 years since the invasion. Are you saying that more time would have allowed . . . ?

**Dr Savvides:** No, I am not saying that, in fact I am saying that it is precisely because a deadline was set by the United Nations and it was forced that a comprehensive plan was created. In other words, I am not one of those who think that endless negotiations can work; that was the mistake of the previous efforts that they were open-ended.

**Q3 Chairman:** Are you hinting that there was a reversal of roles with the Papadopoulos government and Mr Talat after what had gone before?

**Dr Savvides:** I think that Mr Papadopoulos was, from the very beginning, very sceptical about the Annan Plan and he made his views very public

during the campaign as well. He was very sceptical and I think that indeed he wanted many more changes in the last version than the Clerides government might have wanted. I think the difference in the Turkish Cypriot community came from the change of government in Turkey. I think the Erdogan government was the single most important change that allowed the process to move forward. After all, Turkey was the one that suggested that such problems were resolved in 1974 and thank heaven we had Mr Erdogan coming to power and changing the position of the Turkish government.

**Dr Brewin:** I want to see the Annan Plan resuscitated; I hope this Committee meeting is a sign of that, as I hope is Ambassador Prendergast's visit to Turkey, because the essence of this, as last time in 1959, is if Greece and Turkey can agree, a lot can be done in Cyprus. The fact that at Bürgenstock, Greece and Turkey did not have much influence on the negotiations was rather sad, because if two regional powers can agree and if they can respond to this notion in the European Union of making peace in the Eastern Mediterranean as important as peace in Eastern Europe or peace between France and Germany, then we are making progress. I agree with Philippos about the importance of the Greek-Cypriot election. The important thing about Mr Clerides' view was that he saw the Annan Plan as a basis for agreement whereas, for Mr Papadopoulos, it was a basis for negotiations which is not nearly the same thing. I also think the role of AKEL was very important, because they were after power and patriotism and obviously on both sides of the Cyprus divide it is nationalism that leads to people being elected out of a sense of security and a sense of injustice perpetrated by the other side. This makes it very difficult at the community level to have negotiations in what you call good faith without outside influence.

**Q4 Mr Maples:** We are interested in how to take this forward, but I think it is going to help us enormously to have an understanding of what went wrong this time round. I wonder whether I could just take both of you a little further. In his summary to the Security Council of what had happened, the Secretary General's report, presumably largely written by Mr De Soto, puts the blame pretty fairly and squarely on the Greek Cypriot leader, who then fired off a counter blast in somewhat less diplomatic language saying it was not his fault at all. Can you help us to evaluate whether Kofi Annan's statement, frankly attributing almost all of the blame to Greek Cypriot leadership is an accurate summary of how you think those last few months of the negotiations went, or is it unfair on Mr Papadopoulos?

**Dr Savvides:** I was not part of the negotiations, so I do not know what really went on, but I am one of those people who think that in general the Secretary General's reports on Cyprus have been

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very fair over the years. I have said publicly and I will repeat it here that if we do not like a report, that does not mean it is not fair. This is the first time the Greek Cypriots did not like a report. Therefore, I presume that a lot of the things that the Secretary General is saying in his report are correct and, of course, Mr Papadopoulos has produced his own version of the events and he put it in writing. The issue is that whether or not there were negotiations in good faith, we had a product at the end, a comprehensive plan which was put before the people, and the problem was that there was not enough preparation for the Greek Cypriots especially and there was also the cultivation of fear amongst the population on the Greek Cypriot side that led to the negative results. In other words, I do not believe that the 76% “no” is solidified or cemented.

**Q5 Mr Maples:** Presumably a lot of that 76% was influenced by Mr Papadopoulos calling, immediately the campaign started, for rejection of the plan.

**Dr Savvides:** In fact the campaign for the “no” started even before Mr Papadopoulos was President; it started from the very first day we had the first version of the Annan Plan. At that time the “no” campaign was started by those who did not want a solution based on the philosophy of this plan. The problem for the people who supported the “yes” was that they came too late into the game because at the end of the day they could not support a plan they had not seen. Also, it is a fact that we had a lot of misinformation spread around, a lot of misunderstandings and in fact one of the things that I think that the international community can be criticised on is that it focused so much on the Turkish Cypriot community leadership in fact, how to avoid the obstacle named Rauf Denktash, that it ignored developments within the Greek Cypriot community, which at the end voted “no”. Also, I think a couple of things could have been looked at, in the sense of the implementation of the agreement and the security; people felt they were not very sure that Turkey would implement the agreement and that the security guarantees given would really help them. I think that is one of the reasons.

**Dr Brewin:** I agree with Michael Attalides that there were so many converging dissatisfactions about land, power, money, bones, that it will be difficult to sort them into any one particular change that one can make. In my own mind, I just take it, in terms of power and principle, that Mr Papadopoulos has been very consistent since his early beginnings as a leader of the struggle in wanting a proper sovereign state with minority rights for Turkish Cypriots, but he has never taken the view that this should mean that they should have an equal power in the state, or that it is the responsibility of the majority community to bring the minority community to look on the majority as being their protectors. The Turkish Cypriots look on their protection as coming from Turkey still. My hope is that this has changed, that the Greek

Cypriots are less afraid of Turkey and the Turkish Cypriots are now less afraid of Greek Cyprus. This is the fundamental change. There are other important changes, but on the point about whether Alvaro De Soto, who put in all this work and at the last minute, because the Turkey side was being flexible and answering the questions put to them, and because there was, if you look at the individual generals and their attitudes on this, a serious problem in Turkey as well, as to whether Turkey would eventually go with this kind of settlement, I think there were changes which offended Greek Cypriot opinion at a time when they felt that going into Europe would put them in the driving seat. Then right at the last minute changes in the Security Council with the Russian veto and all that business, almost a sort of panic measure, which did not help public opinion feel that this was creating peace. So there were difficulties at the last minute, but I have total sympathy: if I had been Mr Alvaro De Soto, the only thing I would have done would have been to put in something about football because the thing is too long and there is nothing about who is going to represent Cyprus at football and who is going to decide how many Turkish Cypriots, how many Greek Cypriots there would be, or whether there would be separate teams as in Britain. This is the crucial thing which would have made people think that you were thinking humanely, rather than sort of distantly.

**Q6 Mr Maples:** You say that for all of his political life Mr Papadopoulos had taken a different view of what the settlement should be, that it should not be a bi-zonal federation, but that it should be one sovereign state with minority rights for the Turkish community—I think that is what you said. If that is so, was Mr Papadopoulos negotiating this agreement in good faith? Do you think he was in a position where he was never going to agree to a bi-zonal federation whatever the terms?

**Dr Brewin:** I do not know the answer to that, because in my view, instead of a just and lasting peace, they now talk about viable and functional and negotiated settlements, all of which are looking for a political solution that will work from the majority’s point of view and the proper functions like the central bank and shipping and all the things they gave up to join Europe being done, in their view, properly by themselves. They are looking, as they always have been, for something much more like an old-fashioned nation state than is now possible in a Europe where groups of states are having to deal with groups and where the Balkans, the Palestinians, the Turkish Cypriots are part of a completely new way of looking at the way we run ourselves and where really you do not need so many elected parliamentarians—I am going to irritate you—because it is European law and it is the control of the executive and having a small executive, composed of very few people, who have to get along, which is the key to these kinds of bi-communal problems, I think. I should not say so in this august building, but there are an awful lot of parliamentarians with too little to do in Cyprus.

**Q7 Chairman:** That is interesting, but it is a long way from the product, from the plan which was on the table. Therefore we come back to the question: was the negotiation in good faith, was there any prospect of that plan being accepted, was it realistic to imagine that, at a late stage, there would be further amendments and Annan Six, Seven or whatever? What do you think Mr Savvides?

**Dr Savvides:** There are two quick points. I think it would be a mistake to personalise it on Mr Papadopoulos because there were other forces around him which also played both a constructive and a negative role in the process. I think AKEL was important in the whole process; AKEL is not united in its position on the “yes” and the “no” and that is why we now see almost a crisis within AKEL. The party which had the nationalist camp was the one which promoted the “yes” very heavily. We have to see it in a bigger picture. The other thing I wanted to say was that I do think, in response to your question, that the Annan Plan is realistic, in fact it is the only realistic option we have: it is either the Annan Plan, as the Secretary General said, or no plan and therefore partition. I think increasingly Greek Cypriots who voted “no” are starting to realise that because they are seeing the implications of their negative vote last April. Therefore, I do think, as I said earlier and I want to repeat it, that the 76% is not now there. I am not saying that the majority of people would now vote “yes”, but what I am saying is that between now and the next effort, which should not take a long time, though I understand that it should not be immediate either, a lot of work has to be done on the ground within the Turkish Cypriot community to decide whether we really want a solution based on power sharing or not.

**Q8 Andrew Mackinlay:** I do not know whether there are any figures available to you folk about the numbers of people who voted on the Turkish side in the referendum who were not citizens of the Republic of Cyprus. Do you know? Have you seen anything? The minister refused or was unable to answer that because the referendum which gave a positive vote on the North—

**Dr Savvides:** Are you talking about the settlers?

**Q9 Andrew Mackinlay:** Yes. If there is, I would invite you to send it to me and/or the Committee, because I would be interested to see that.

**Dr Brewin:** I am not expert enough for that, but I do need to point out to you, that there are not figures either on how many people from Australia or the Pontic Greeks in the Black Sea areas, who have been given citizenship by the Republic since 1974, voted.

**Q10 Andrew Mackinlay:** I am pleased you raised that.

**Dr Brewin:** This settler business has this element of ideology. The important thing is to know how many of them would have been within the 45,000 who were on the list for the united states of Cyprus.

**Andrew Mackinlay:** I have to say I disagree with you. Generally, I should like to see what figures are available. If you have got any, I should like to see them, including Australians and so on. What is a matter of fact is that the Republic of Cyprus is internationally recognised, is the *de jure* body, so it can grant citizenship to whom it likes; that is a matter of fact. So if a person were an Australian he or she would be entitled to take part in that referendum. What would be a distorting factor for me would be whether it was significant that the settlers voted in the North who do not have citizenship. If there is anything out there, I should like to see it.

**Q11 Chairman:** What do we know?

**Dr Savvides:** Indeed, it is a problem and I think that was one of the issues that was raised during the campaign: settlers were voting, settlers who were going to leave were voting as well, because the list was very blurred. At the same time, the majority of the settlers voted “yes”, which was interesting.

**Q12 Andrew Mackinlay:** Of course they would do.

**Dr Savvides:** The point here is that this is a very difficult number.

**Q13 Andrew Mackinlay:** I do not want to labour the point. I was genuinely asking whether there were any figures. Dr Brewin raised the question quite reasonably that there might be other people, and I note that, but they are citizens of the Republic of Cyprus. By all means supply those figures that are available. I cannot get it from the British Foreign Office, which makes me think there is a little bit of a smell.

**Dr Brewin:** I do not think you will, from either side, about how many recently—

**Q14 Andrew Mackinlay:** I do not want to labour the point.

**Dr Savvides:** The figures are public so you can get them very easily.

**Q15 Andrew Mackinlay:** If we go to the Annan Plan, there is a danger actually of history repeating itself, particularly as it was under pressure, as both of you have described. What was not agreed at any stage was this concept of whether or not it should be a shared state, like Belgium, which has symmetry, broadly 50/50, or whether or not the Turkish community should be given protected special minority rights. That was something which was never really resolved or agreed. I would be correct on that, would I?

**Dr Brewin:** Yes. I think the Annan Plan is extremely clear, and it relates to the previous point. Under international law, it is wrong to bring in other people, but to get a compromise on Cyprus, where Turkey has taken this interest in the Turkish Cypriot community, you have to accept that the Turkish Cypriots, being afraid as a minority, are going to have to rule themselves in this geographical sector, against all European principles of free movement and all the rest of it, in order to



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get them to accept a solution that is based on a one-island basis rather than a sort of Ulster basis next to Turkey. This is the deal, that the Turkish Cypriots have to rule in their area at least for the 15 to 20 years of the Annan Plan. That is the clarity of it and this is very difficult for the Greek Cypriots to accept. It is a classic dispute and we cannot expect everybody to like [anything about] this.

**Q16 Andrew Mackinlay:** It also seemed to me that the international community, both the Secretary General of the UN and the EU, were more or less saying that they were going to arbitrate: the parties had not agreed to the arbitration, they were going to arbitrate, take it or leave it, and when one side rejected it, from the Secretary General downwards they said it was a rotten show. That is what has happened here, is it not?

**Dr Brewin:** It is not the way I would put it.

**Q17 Andrew Mackinlay:** It is not the way you would put it. The other thing I want to ask is this. When you come to constitution making, you can either reserve to the centre the federal power, specific competencies, and say everything else falls to the constituent states, or the constituent states can have the specified powers and everything is with the centre. Presumably that was again one of the problems, was it not?

**Dr Brewin:** Yes.

**Q18 Andrew Mackinlay:** Just help us on how it fell. I think it was specific competencies to the centre, was it not, and everything else was with the constituent states?

**Dr Savvides:** It was a loose federation.

**Q19 Andrew Mackinlay:** Yes, but you could have a loose federation and you would have to dictate—

**Dr Savvides:** I think the plan was clear about the executive branch and the legislative branch, in terms of the powers, in the sense that constituent states had a lot of the powers, but the important thing to remember with this particular plan is that the plan would have worked within the European Union framework. That is the critical difference from previous efforts, in the sense that a lot of the policies would have to be made in co-operation with Brussels and the most important thing also, the most important elements of the constituent states, education, culture all these things that people are very sensitive about, were within the constituent states; I think that is very important. What the federal government had was important powers to do with the unification of the island, in the sense of keeping the island unified and keeping the sense that this was a unified state and not a partitioned state, that was where the difference lay, in the sense that you had an executive branch allowed, for example, to have a unified economy. The economy was [not] one of the problems that the Greek Cypriots raised and there are changes in the last version of the Annan Plan, because, indeed, the first version of the plan was creating too many divisions within the economy and of course you

know that if you have no unified economy, you cannot have a unified state. That was improved in the last version of the plan. I think it was balanced and I think the plan was balanced. The problem for the Greek Cypriots was not the executive and the legislature so much, as it was the notion that the agreement would be implemented by Turkey and whether the security guarantees were really enough. There was a lot of concern about Turkey having troops after the solution and a lot of concerns about keeping the guarantees of Turkey and I shared those concerns, but I was hoping that within the European Union this would have been mitigated.

**Q20 Mr Olnier:** I was listening very carefully to what our two speakers have said. They still have not given, I do not think, a clear answer as to why, when the Committee was over in 2002, the Annan Plan, which was about then, but was being rejected by the Turkish side and accepted by the Greek side, yet two years later virtually the same plan has been accepted by the Turkish side and rejected by the Greek side?

**Dr Brewin:** There is a clear answer.

**Q21 Mr Olnier:** It seems to me to be a little bit of a corollary with insurance mis-selling or something. What is happening?

**Dr Brewin:** It is terribly easy to understand this one. It is just that two years ago, even though under Mr Clerides a previous version of this was very nearly accepted, the difference is that when you are just about to go into the European Union and you feel you are going to be able to persuade Turkey to remove its troops in order to become a member of the European Union, is different from being in the patriotic position of trying to persuade your learned Committee that having Greek Cyprus in the European Union is a good idea, which goes right against the political criterion of Copenhagen, that you have to have democratic political stability before you can enter. So they were persuading you that they were very reasonable on this issue, with absolute security that the Turkish Cypriots would help them convince you. This time round, they are in the European Union, they think they are in the power position. They are dead wrong, because they do not understand that the European Union does not have little states causing trouble over a long period of time without getting cross with them, as the Greeks found out over IMIA and again over Kosovo.

**Q22 Mr Olnier:** Obviously Kofi Annan feels badly let down, because he had been led to believe by the Greek side that if things were sorted there should not be a problem.

**Dr Brewin:** So was Günter Verheugen.

**Q23 Mr Olnier:** He had got the Turks on board and there should have been a referendum which quite frankly strengthened the island and the Republic of Cyprus. Now that did not happen and you mentioned that there is now a change of attitude

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perhaps among some of the Greek Cypriots who are thinking they should not have voted that way. How soon is it going to be before we can get the thing back on track? How soon is it going to be that Mr Papadopoulos is going to be able to speak nicely and Kofi Annan is going to respond nicely to him?

**Dr Savvides:** Firstly, I want to disagree with the previous statement. I think the Greek Cypriots were sincere in Copenhagen in 2002 when they were ready to sit down and discuss and negotiate the final version of the agreement. In fact, it is my expert, if you will, opinion that the game was over in Copenhagen in 2002 when Turkey was not able to push Mr Denktash to agree to the solution and they played a game with his so-called foreign minister and all the things that took place in Copenhagen and not everybody paid attention. In Copenhagen and later on until The Hague, there was a good opportunity; the problem there was that you had Mr Denktash not willing to negotiate, not willing to go forward and you had a government in Turkey which was weak and then you had the Iraqi crisis. All these factors unfortunately played a negative role in the process. Now, about the future. I do think that it will be difficult now to undertake another effort soon enough, in the next few months or a year. I think, as I said in the beginning, that the Cypriot government, the government of Mr Papadopoulos has to take the initiative; that is my position. They have to take the initiative to restart any effort by, first of all, preparing public opinion and negotiating as well, taking the initiative to open and explore the dialogue with the Turkish Cypriot leadership, with Mr Talat, to find a framework within which they can start talking. I do not see that happening soon enough, and I think two major events will take place in the next couple of years in Cyprus domestically which I think will shape the events: one is the elections in the Turkish Cypriot community about electing the new leadership, which is a very important development that we need to watch because that will shape the new dynamics within the community; and of course you have the 2006 parliamentary elections in Republic of Cyprus. We do not know what the results will be, but I do think that the results will also shape the political dynamics which will reflect on any new effort for the Cyprus issue.

**Q24 Mr Oliner:** Clearly, Kofi Annan feels let down by the Greek Cypriot side and then I wonder whether the UN misjudged it anyway. Having spoken to Kofi Annan last year, when the Committee visited him in New York, we were all elated that it had failed once, it was now back on the agenda and it looked as though an agreement was going to be reached, and that has gone now. I actually think, there will not be a cat-in-hell's chance of the UN picking it up again and wanting to run with it. If the UN do not do it, who is going to be the mediator that is going to be strong enough to make Cyprus back into a Republic just for Cyprus?

**Dr Brewin:** I am against my colleague's notion that one has to wait for these elections on the Turkish Cypriot side and then the presidential elections on the Greek side. Mr Denktash has been elected almost since the time of Atlee, because he has promised the Turkish army's protection. When Mr Vassiliou and Mr Clerides were going for a settlement, the election went on the patriotic side because the people want justice as they see it, which is for them to rule and therefore it is very difficult to wait for this kind of nationalism and patriotism. One has to look not at the UN so much; Günter Verheugen also felt betrayed because the European Union had taken Cyprus in as part of the deal for trying to make relations with Turkey better through the Customs Union. They thought that this would be a catalyst for a settlement. I do not think anybody who is knowledgeable about this field was taken in by these protestations. It has to be done not by saying "What would you like?", but by being much tougher.

**Q25 Mr Oliner:** What comes after Annan? Who is going to be big enough to do it?

**Dr Brewin:** It is the European Union that is going to do it in terms of power, and the content has to be Annan, even though I am the author of a different and much better plan based on the Yossi Beilin-Abu Mazen deal in 1995. That is not on the table. The only thing on the table is the Annan Plan and some version of that has to be the basis of the European Union trying to get peace with Muslims, with Turks in the Eastern Mediterranean very soon. I think the chances, if we are not good with the Turkish Cypriot promises that we have made, of this being an example of Western duplicity again. The chances of there being an upset in Turkey on any number of issues ranging from Iraq, to Kurds, to Muslims, to a split within the governing party, are so great that if we do not pay attention to the regional context and try and get a solution to the Cyprus thing, not just for the European Union's internal reasons but for the sake of peace in the area, then I think we are going to be regretting the time we lost waiting for elections.

**Q26 Mr Hamilton:** Thank you Dr Brewin, that was a very interesting analysis and I cannot help agreeing with everything you say. I want to just explore further the reasons for the failure of the Annan Plan before going on to discuss the future. Do you think that the concerns that Greek Cypriots had about the security issue, in other words many people's belief that you could not trust the Turkish army to withdraw, you could not trust the Turkish state to keep out of northern Cyprus, together with the economic costs at a time when Greek Cyprus at least was looking pretty prosperous compared with the rest of Europe on its accession, contributed to the Greek Cypriots' rejection? Or was it simply President Papadopoulos, together with the Greek Cypriot Orthodox Church, pressing against the agreement to the Annan Plan and the referendum?

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**Dr Brewin:** The exit polls were very clear that what people said to the pollsters was “security”. Now obviously, if you have got the same number of Turkish troops as there used to be British troops, about 35,000, three times the National Guard figure, it would be better, from a security point of view to have fewer troops, but that was not the way it was perceived. What worried them, was not just that the Turkish army would remain, but that they would have a small group even after the end of the 18 years and that is the bad news from a Greek Cypriot point of view, not just because it enables Turkey to come back into the island with its very long runways whenever it likes, but also to offer those runways to the Americans for anything they want to do in Israel, which is obviously a worry for Greek Cypriot sovereignty. However, the main thing is the popular feeling that it is the Turkish army that has perpetrated this injustice, has enabled the Turks to take the best bit, quite disproportionate to 18%, to completely ignore the state of affairs of 1960, and causing all this misery. So “security”: if you are going to give up your National Guard and you have Greece 500 miles away that cannot protect you, you have the European Union that you cannot rely on militarily, then having the Turkish army with the right to stay there is not the kind of justice that you are looking for, is it? This seems to me perfectly understandable from the Greek Cypriot point of view, although I would have hoped more would have voted “yes” despite that.

**Q27 Mr Hamilton:** But should those clear concerns not have been addressed before the plan was put before the island?

**Dr Brewin:** I think it was addressed, but it is a compromise, is it not? The Turkish view is that if they do not have the army, then they are vulnerable to the majority and it has to be a compromise. That is what it is about.

**Dr Savvides:** The concerns were put on the table in Burgenstock and Greece and Turkey were supposed to discuss this because they were the two guarantor powers and they had to agree on the security issue. The Greek Government proposed that instead of 6,000 troops remaining it should be far fewer and then the Turkish Government did not want to discuss it at all. It is ironic to have a non-member state of the EU being the guarantor of a Member State of the EU; it is just ironic. People feel that this irony is not something that they could accept. I agree with the analysis about security as well, that people felt that for 30 years Turkey had rejected any kind of a proposal for a solution. Why would they implement it this time around? That was the question put to them by the sceptics and that is a strong question. That is why I do think, going back to another issue that was raised earlier, that changes have to be made in this last version of the Annan Plan because the patterns on the ground are changing anyway in the sense that the new timetables etcetera should be introduced. This concern should also be taken into consideration in the sense that we can find ways to mitigate the

security concerns through some action by the European Union and some guarantees by the Security Council which can mitigate the Greek Cypriot concern. In general I think two processes are taking place now: one is to keep the Turkish Cypriots willing to agree and continue to be willing to agree on a solution, keep them hopeful that this is the solution they will be having and, at the same time, making the Greek Cypriots ready to accept the solution. This is a challenge for the next few months or years. My opinion is that there is no other way out of the Annan Plan, but adjustments need to be made in order for it to be accepted in the future.

**Q28 Mr Hamilton:** Since the referendum results, I think there is no doubt that international sympathy has moved away from the strong support that the Greek Cypriot community had towards the Turkish Cypriot community. Do you think that Greek Cypriot community has shot itself in the foot aided by its own government?

**Dr Savvides:** I want to put on the record that I was on the “yes” side: I feel that the “no” was a mistake. Yes, indeed, we missed an opportunity as Greek Cypriots. At the same time, I do think, going back to my previous point, that there are some genuine Greek Cypriot concerns at the public level, the social level, not the government level, which need to be addressed. I think yes indeed that I am all in favour of helping the Turkish Cypriots improve their social and economic life and I do think that the European Union is in the process of doing that and I have no problem with this process. My only concern is not to take measures and not to make gestures which would solidify the *status quo*, which would create, as I wrote in an article, another Taiwan in the Mediterranean. We do not want something which is not recognised, which has economic and other relations with countries, which will solidify and cement the partition: we want to help to unify the island. We need to have a carrot for the solution. Instead of giving everything to all and solidifying the *status quo*, we have to make it clear that what we want is unification. That is the goal and in order to do that, there are steps to be followed.

**Q29 Mr Illsley:** How much credence would you give to the argument which has been put to the Committee that the Turkish military presence is not so much for the security of the Turkish settlers or the Turkish Cypriots, but is simply to benefit Turkey’s strategic aims of protecting their southern coastline?

**Dr Savvides:** This is the strategic argument which the Turkish army presents which I think is fake, in the sense that it is not a real issue. Cyprus is not a threat to Turkey; everybody knows that. Also the whole dynamic of the region has changed so much: Cyprus is not so important for Turkey now. It is an excuse to keep the troops there. That is why we see the difference between the Turkish Government, the political leadership of the Erdogan government, and the military. There was

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an obvious disagreement on that issue. The strategic argument is not strong enough in respect of Cyprus and the current international system and current international circumstances do not allow for such an argument to be strong.

**Dr Brewin:** I agree with Philippos to the extent that with helicopters and with its huge runways Turkey could always get back onto Cyprus whatever, if it wanted to, if it felt Turks were in danger. People do not understand why the Turkish military take it so seriously. During the Annan Plan negotiations I was talking to a military attaché of the Americans—there are four, so I am not giving anything away—who supported the Turkish military in this. This has both historical and strategic aspects which we do not understand. The strategic one is that if anyone moves in Thrace, Turkey can take Cyprus quickly. The historical one is that during the Cold War period the American plan was to buy time by having the Turkish military withdraw rather than fight on the frontier in order to nuke the Russians as they were coming in, and that meant withdrawing towards Cyprus. All these guys have been trained in this idea that Cyprus is very important to the Turkish army strategically. As we know from the British experience, this is a mindset which affects generals. So the fact, to my mind, that helicopters and planes now make this redundant, and you must never forget the fact that these runways are next to Israel—it is not just our bases which the Americans can use, it is the Turkish ones—is why it is shrouded in mystery and people like you need to bring out exactly what these great runways are for.

**Mr Illsley:** I think I could guess.

**Q30 Mr Pope:** I want to ask about the role of the European Union. Would you agree that, with hindsight, it was a critical mistake to say that Cyprus could enter the European Union come what may? In effect it just removed the carrot for the Greek Cypriots to reach an accommodation.

**Dr Brewin:** Yes, it is in Cypriot terms, but not in the wider picture. Individuals have had enormous influence at times in the European Union, such as the deal which was made in a fish restaurant between an official of the Commission and the Greek deputy foreign minister, at a time when relations with Turkey were really awful, on how to overcome the Greek veto. At that time Greece was on a no-appeasement policy with Turkey; that has changed. Greece has now shifted from total support to Greek Cyprus; that has changed. I hope that the Greek Cypriot Government will stop this constant attempt to keep the Turkish Cypriots down and be nice to them and open Ercan airport and all sorts of possible things. The point I am trying to make is that at the time relations with Turkey, which is the important regional power, were at such a bad point that the price exacted by the Greeks for lifting their veto in December 1994 to get the customs union finalised, which was then intended to stop Turkish membership—it was to be instead of membership—was that the European Union forget that the settlement had to come first.

That was the price; there was no lower price and that had to be paid. Where the European Union is in difficulty—and you have to have sympathy with them—is that every official in the Commission is going to say they are too few to solve the Cyprus problem and there is the Greek Commissioner and there is my career and there is nothing we can do against a Member State which takes a particularly strong view on this. So their approach is not even-handed. What they have to be is responsible and decide that Turkey is the big regional actor; that they have to have the Cyprus system working, because otherwise the European Union business is held up. There have been six meetings of COREPER<sup>1</sup> just about these two draft directives, which is a ridiculous waste of people's time frankly and has to be solved. The European Union has to get a grip on it and to get its officials to be tough with the Greek Cypriots saying "This constitution must be obeyed. You must have one third of your people Turkish Cypriot. We have to get this through and you have to be nice to the minority and we have to bring them on board". They have to have a clear policy so that officials know they are being protected from the top. At the moment it is too wishy-washy to be effective, but that is what needs to be done.

**Dr Savvides:** The European Union was the catalyst for the process to reach a comprehensive plan for the first time. We could not have done it without the European Union and without constructive pressure being put on both sides. I said earlier that we missed a great opportunity in Copenhagen, where all parties could have converged to reach a solution because of what I explained earlier. I do think that it would not have had the same effect if in 1999 in Helsinki the solution to the Cyprus problem was not disassociated from the accession of Cyprus. I think it would have had the reverse effect. Therefore, yes indeed, in the process maybe the European Union has made some mistakes, but in general I think that the European Union approach and the presence of it in their creation were catalytic to the plan. At the same time today it can also be a catalyst in the sense that it can continue to keep the constructive pressure on all sides involved; Turkey as well. That is why I am one of those who are strongly in favour of Turkey getting involved in accession negotiations sooner rather than later; in my opinion the sooner the better.

**Q31 Mr Pope:** That brings me to my next point. If the baton for change moves away from the United Nations towards the European Union, what are the practical things that the EU can do to take matters forward? Would it be a good idea at the EU summit in December to upgrade Turkey's applicant status to the European Union? Would that be a positive step forward? Would that send the right signals? Would it also be possible for the EU to do other practical things? I am just thinking, for example, that the EU could offer a EU force of

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<sup>1</sup> Committee of Permanent Representatives of EU Member States

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soldiers peacekeeping in the north of Cyprus to replace Turkish soldiers. That might be a positive way forward. It would de-escalate things; it would be a positive sign that the EU was taking this situation seriously.

**Dr Brewin:** As I read it, a White Paper on Defence is going to come out of Brussels and they need to have the means, military means as well as the trade means, to do things in the Middle East which requires the development of a concept for the Middle East which we do not have, but is on the cards. I do not know whether you are referring to that. On the positive things the EU can do, one would be to make its financial aid directive linked to the peace settlement. So the money for Turkish Cyprus is for building houses north of Morphou for Turkish Cypriots to leave Greek houses now in preparation for a settlement. At the moment the aid is entirely around pre-accession kinds of things with feasibility studies. If the Turkish Cypriots actually had to build houses in anticipation of a settlement, which they will have to do when the Greeks go back into their properties, this would be a really positive signal that we expect a settlement and the EU could do that. The other thing is the Turkish thing which is the big one, because if Turkey is a member then it will be constrained within the framework, as Greece has been, which is the best thing which could happen for peace in the region that I can think of, but in order to do that I think the Foreign Office and some pretty high level Commissioners have been going easy on pushing the financial aid and the trade deal for Turkish Cypriots—the trade deal is purely symbolic—because they do not want to irritate Greece and Greek Cyprus in advance of 17 December. So you are pushing it as much as you can but not to the point of so offending them that they will give a very long date, or disrupt Turkish opinion, which is very volatile and could easily be disrupted. So the Cyprus thing is a small thing but it is messing up the big thing.

**Q32 Mr Pope:** Let us work on the big thing, say Turkish accession.

**Dr Brewin:** If that works, then you have turned one of the big keys to solving the problem.

**Dr Savvides:** Giving Turkey a date for accession negotiations is critical. The Greek Government supports that very strongly, even Greek Cypriots support it as well. What they are asking for at the same time is something in the agreement in December which would keep Turkey as part of the process of solving the problem, so that it does not show that Turkey has finished what it has to do. Turkey has things to do as well in the next few years. I think we can find a compromise which would be one which would allow both sides to be satisfied. At the same time, in respect of the army, one of the things which I think could be changed in the Annan Plan would be to be much more specific on this multinational force which would be present. In fact there have been proposals for a NATO force on the island, which I do not oppose. Personally I think it would be a good idea. There

are other problems with it, symbolic and others, but the more multinational the force the better it would be for satisfying some of people's concerns. There is resistance from Turkey on that, which needs to be discussed, but in general a multinational force, a European force, could also be a positive development in the changes to the Annan Plan which would mitigate some of the concerns which Greek Cypriots have and I do not think Turkish Cypriots would oppose that.

**Q33 Mr Mackay:** May I take you on to the role of the United Kingdom, which is obviously important, and just press you a little about how positive you thought our role was in promoting the Annan Plan? Do you want to comment on the fact that there were American diplomats in our delegation to Bürgenstock back in March which caused as usual the normal rumours? May I link to that the two distinguished British public servants closest involved with Cyprus affairs at the moment, Lord Hannay and Sir Kieran Prendergast and ask you to comment on their roles as well?

**Dr Brewin:** That falls to me first unfortunately; I am English. I think both of them have been great and this thing is attributed to Alvaro de Soto but the preparations for it have involved a lot of country hotels in Perthshire and meetings in New York. Your Committee has been involved in these year after year at the United Nations. You know how much effort the British have put in. David Hannay particularly wanted this to crown his career and he put in enormous hours as well as appointing people he thought would be good on it. I know less about the role of Sir Kieran Prendergast, but I think you are seeing him shortly, so you can find out more than I shall ever know. What has been wrong about it has been that David Hannay has also kept off the agenda the question of the sovereign bases with the collusion of both nationalist sides. This is not popular lower down, but both leaders of the communities want Britain on side for their particular arguments before this court in the sky they are always arguing in front of. So they have not pointed out what we could really do to get rid of a lot of the feelings inside Cyprus that we are out for our own interests. The sovereign bases have a lot of good things about them, like providing a place for putting kit near to Israel or for getting things in and out of Iraq, all this sort of thing. However, they should not be sovereign any more and in particular we should not have the rights to do whatever we like anywhere in the island which affects the operation of the bases, which we have under the 1960 agreements, when you delve down into the appendices. This is incompatible with the nature of a modern state, because it is like the Portuguese having Goa; property you acquired in the past is, in an era of self-determination, not necessarily yours. If there were a settlement, I have no doubt that the united Cyprus government would act as though it were leased and would not treat it any longer as sovereign once they were united. I think we should go for leasehold now. The retained site where most

of the spying is done from is on leasehold; it is no great change and we know this because at the last minute we gave 46 square miles—because 99 square miles is less than 100 square miles in the original deal with Makarios—as a sweetener to try to persuade the Greek Cypriots, who got nine-tenths of those 46 square miles, that there was a benefit to them. If we want to have a peace settlement on the basis not that there are separate communities but that there is one geographical island, then the British, who are now members of the European Union, and thus have the anomalous position that under Article 227 of our 1973 accession the Cyprus bases, which are part of British sovereign territory, are not part of the European Union customs area and sovereign territory—that is not only an anachronism, but an anomaly—can play a card to show how serious they are about peace in Cyprus. We could do this while maintaining, through leasehold, the military advantages of being able to say to the Americans “We have a very nice base; you don’t have to ask an Arab for one”. I think we could do that if we were serious and Lord Hannay has kept that off the agenda quite brutally.

**Q34 Chairman:** With respect, Lord Hannay is not in a position to give or to withhold sovereign base territory. What is clear is that during the course of the negotiations the British Government did make a unilateral offer to give up a part of the sovereign base area.

**Dr Brewin:** But right at the last moment. Throughout the period of the negotiations it was kept off the agenda and I watched him do it, with respect.

**Q35 Chairman:** But it was a sweetener towards the end of the package.

**Dr Brewin:** Yes, but it was not part of the negotiations. It is probably included in the appendices, but it is not in the public part.

**Q36 Mr Mackay:** What about the Bürgenstock talks and our representation including American diplomats? Perhaps Dr Savvides would care to comment on that?

**Dr Savvides:** By the time of Bürgenstock it was clear enough that things were not moving very well and therefore not much could have been done either by the British or American diplomats at that time. I am here reflecting some of the Greek Cypriot public opinion’s beliefs about the British attributes and style. They did not like Lord Hannay’s style very much, which was very imposing; he was dictating the terms of the agreement. That is why a lot of people rejected the plan, or were against the plan, or campaigned against the plan and suggested that it was a Hannay plan, not a United Nations plan. That was not a very good thing in terms of promoting the solution. It is also a matter of substance and the way you hear, the way you engage in the negotiations and maybe the style was not very good either. I want to focus on what the British Government can do now, because this is critical and very important in

the following sense. I am very concerned about two things which are taking place now on Cyprus: one is the whole construction boom which is taking place in northern Cyprus on Greek Cypriot properties. It is amazing; there is a huge construction site, as I mentioned in my memorandum to you. This is very unfortunate and very dangerous for a future settlement, because it is not helping the Greek Cypriots change their minds and at the same time it destroys the whole balance within the plan over the property issue, which has been very, very sensitive and very, very difficult to handle. At the same time there are new workers coming from mainland Turkey because of the reconstruction boom and they remain there, so the demography is also changing. Those two things are taking place at the moment and I am very concerned about them. I think the British Government can do more to exercise its influence on the Turkish side, to stop them doing that. There are British citizens buying properties on very shaky and very shadowy legal grounds, which will create complications if we have another effort to reach agreement in the future. I urge you to urge your government to take these developments into serious consideration because I do not think they are helpful. If we want unification, they are not helpful. At the same time, they should keep putting pressure on the Greek Cypriots to be much more forthcoming in terms of taking the initiative. I said myself that the Greek Cypriots should be the ones to initiate the next effort, either by the United Nations or by the EU, but at the same time, the British Government should pay attention to those two issues as well.

**Q37 Chairman:** What do you think the British Government should do on the direct trade issue?

**Dr Savvides:** I am in favour of helping with direct trade with the Turkish Cypriots; there is a compromise to be found there. We cannot take it to the extreme though. I said earlier that if you take it to the extreme on shaky legal grounds, so that you force the Papadopoulos government to take the Commission or the EU to court, you risk a decision most likely against the Commission. So we have to be sure that we find a compromise to allow for direct trade with the Turkish Cypriots without creating another Taiwan, which would solidify the *status quo*. I personally am very much against the *status quo*. I do not want to see the partition solidified and I do not think that taking direct trade to the extreme would help the solution based on this notion of unification.

**Dr Brewin:** The fact is that I am not a Turkish Cypriot and the fact is that they are not represented. The British Government and you gentlemen need to be more even-handed in looking at the Turkish Cypriot case. I am actually quite pleased that there seems to be some building going on in Turkish Cyprus. I am told that mostly it is a result of building on Turkish Cypriot land, because they feel more confident now that there is a settlement in the offing about development. The actual direct trade thing does not affect much trade.

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Half of it is in citrus, very little money, about €50 million at best. What needs to happen is for the ports and airport to be opened up. This is something which would really cause trouble in northern Cyprus and it would be excellent if the Greek Cypriot Government would, as a matter of sovereignty, list Ercan as a civil airport, which would irritate the case of the northern Cypriots wonderfully but bring in the tourism, which is the only thing which would make the northern Cypriots as prosperous as the Greek Cypriots and give their officials salaries of a comparable nature. This would do more to make Cypriots feel Cypriot rather than being in relations of superior to inferior than anything else I can think of.

**Dr Savvides:** On this property issue, which I do think is very important, very quickly some statistics. From November 2002 up to today, for the Kyrenia district alone, 2,006 building permits were issued on Greek Cypriot properties. According to a Turkish Cypriot leader, up to today Greek Cypriot properties were sold to the value of

\$2 billion. Also, earlier on, in 2000, there were about 200 applications from foreigners to buy land; by 6 August there were 1,528. There is a lot of effort to build on Greek Cypriot property in the Karpasian peninsula; 10,000 issued for building hotels etcetera to develop the area. I see the need, because tourism is going to be picking up next summer, but I am very concerned. I am all for development of the Turkish Cypriot economy and society. At the same time I am very concerned that if you destroy the very, very thin balance on the property issue and the issue of the settlers, you will destroy the chances of reaching an agreement at the end.

**Q38 Chairman:** That may be true, but alas the context would be very different had the referendum gone in a different way.

**Dr Savvides:** Sure; I grant you that.

**Chairman:** Gentlemen, you have given us a great deal of material for reflection. Thank you both very much indeed.

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#### Supplementary written evidence submitted by Dr Philippos Savvides

1. *What are the implications of the resignation of Mr Talat and his administration? What further developments in Turkish Cypriot politics and government do you expect in the coming weeks? What effects are these changes likely to have on the prospects for a settlement of the Cyprus question?*

The resignation of Mr. Talat was expected. The coalition “government” that emerged after the “elections” of December 2003 was very fragile from the very beginning. There were acute differences of philosophy and approaches, especially over the policies towards the Cyprus problem, which made the cohabitation between the Republican Turkish Party of Mehmet Ali Talat and the Democrat Party of Serdar Denktash very difficult.

As a result of these developments there is political uncertainty within the Turkish Cypriot community making the undertaking of a new initiative to resolve the Cyprus problem more difficult. It seems that “elections” will be taking place next February in order to resolve this crisis. The chances are that Talat’s party will emerge again victorious. The question is whether or not he will achieve absolute majority in order to create an autonomous administration. The “elections” will also be a test for the “presidential elections” scheduled for April 2005. If the forces opposing Rauf Denktash are able to increase their political capital, those forces that believe in unification and supported the “yes” vote to the Annan Plan will be also strengthened. This, in turn, can be a positive development and will help the undertaking of a new initiative based on the Annan Plan to resolve the Cyprus problem.

2. *Are reliable figures available for the numbers of mainland Turks now living and working in the North of Cyprus? Should there be, as has previously been suggested, an internationally-supervised census, to establish beyond doubt the status of all those living in North Cyprus?*

The figures are contradictory and it is too difficult to establish their correct number. Inter-marriages, children born in Cyprus in the last 30 years and labour hands brought in Cyprus during the last few years make it extremely difficult to ascertain their true number. An internationally supervised census to establish as accurately as possible the status of those living in the areas controlled by the Turkish forces is highly recommended. Turkish Cypriots and Greek Cypriots alike want to know the real number. Especially for Greek Cypriots, such an important gesture can mitigate some of the concerns expressed over the Annan Plan and help prepare the public opinion for a new initiative to resolve the problem based on the Annan Plan.

3. *In your judgment, how many people of mainland Turkish origin would wish to stay in Cyprus permanently, and how many are temporary visitors, drawn in by the expanding labour market, who will eventually return to Turkey?*

It is very difficult to answer this question. I have no clear picture of the exact figures. An internationally supervised census will greatly help answer such important questions. It is my sense that most settlers, if they feel they will become “European citizens” will wish to stay on the island. It is a worrisome development that there is a new wave of settlers coming on the island to work in constructions. The number is unclear but this practice further complicates the efforts to reach a final settlement based on the Annan Plan.

*Dr Philippos Savvides*

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## Tuesday 2 November 2004

Members present:

Donald Anderson, in the Chair

Mr Fabian Hamilton  
Mr Andrew Mackay  
Andrew Mackinlay  
Mr John Maples

Mr Bill Oler  
Sir John Stanley  
Ms Gisela Stuart

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### Written evidence submitted by Özdem Sanberk

1. I would like to thank the House of Commons Select Committee on Foreign Affairs for its invitation to submit evidence on the situation in Cyprus. I should make it clear however, that I am offering my opinions only in the capacity of a former diplomat who is now a private individual from Turkey. I am not a member of any official body and I am, of course, not a Turkish Cypriot, and speak only as an observer.

2. Considerable progress has been made in some respects, both in Cyprus and in Turkish-Greek relations, in the last two or three years. I strongly support this development. I do not wish to engage in polemics. However my evidence necessarily involves re-stating some of the fundamentals of the Cyprus problem as they are seen from a Turkish and Turkish Cypriot perspective.

#### I. BACKGROUND TO THE CURRENT SITUATION

3. The essence of the Cyprus situation is that two separate and distinct people national communities exist on the island and that the Turkish Cypriots wish to administer themselves and to avoid the fate which overtook many other Turkish or Muslim communities in post-Ottoman southern Europe. The embargo and isolation which was imposed on the Turkish Cypriots from 1964 onwards, and the denial of their national rights, is strikingly different from the treatment of all other national communities in Europe and particularly the Balkans in recent years. To many people in the Near and Middle East, it would appear *prima facie* that their story would have had a very different outcome had they been a Christian population, in which case an economic blockade and siege tactics would probably never have been employed against them.

4. During the negotiations for the accession of Cyprus to the European Union, the Turkish Cypriots were not given the right to participate on a separate basis, even though they have been self-governing for three decades, and the Greek political leadership on the island was allowed by the EU to negotiate on behalf of people whom it did not rule, who rejected its authority, and who were actively unwilling to be represented by it. A glance at the annual progress reports for Cyprus during its transition to EU rule shows that they were much less exacting than the comparable reports for other candidates. In particular, the Union ruled at the outset that the Greek Cypriot government satisfied the basic criteria for political stability even though the south Cyprus government did not control more than a third of the territory it claimed and its authority had been firmly rejected for three decades by a substantial proportion of the people it claimed to rule.

5. It would appear to be, as a member of the outgoing European Commission said last spring, that conditions were deliberately made easy for Cyprus on the understanding that the Greek Cypriots would agree to the reunion of the island on the basis of the Annan plan. Ironically, the Commission, after permitting the Greek Cypriots to speak for the Turkish Cypriot, itself ended by having its own voice on the island stifled when Commissioner Verheugen was not allowed to present his views on Greek Cypriot television.

6. Nonetheless between 2002 and 2004, there was genuine progress in Cyprus.

- The Annan Plan identified a viable framework for a political settlement.
- There was greater movement between the two sides of the island and a relaxation of the previously very strict separation between the two nationalities on the island.

7. These trends reflected greater realism about the existence, aspirations, and rights of the Turkish Cypriots. The Turkish Cypriots responded in the referendum on the Annan Plan by taking what were for them significant risks over security. Opinion among the Turkish Cypriots was divided but the outcome of the referendum indicated a clear willingness to reach an agreed international settlement brokered by the United Nations and backed by the European Union. 8. Unfortunately Greek Cypriots rejected the Annan plan by three to one.



## II. THE SITUATION SINCE MAY 1

### 8. *The implications of the Annan Plan's rejection for Northern Cyprus*

The Turkish Cypriots in Northern Cyprus have lived under siege conditions for over three decades. Since April this year, however, things have been different. The Turkish Cypriots are still continuing to live under siege conditions. Ending these would seem just and logical. But it hits the snag of a Greek Cypriot veto. So far the EU does not seem to have found a way to overcome this problem.

If the EU claims the territory on which the Turkish Cypriots live and if it says it has negotiated with their representatives, and if they have voted for arrangements for a settlement sponsored by the EU and the UN, then I do not see how it can deny them the rights and blessings that come from membership.

One likely outcome would be that it will try to broke a deal whereby the Turkish Cypriots or Turkey give some concessions in exchange. Or, if Turkey and the Turkish Cypriots do not make concessions, this will be used as an excuse to continue the present situation. This should not be acceptable. It was clearly understood in April that one side had cooperated with the EU and had its cooperation endorsed at the referendum. The other side had not cooperated and had even obstructed the ability of the EU Commission to put its case.

The Annan Plan and its aftermath should clearly be seen as a turning point in policy, away from blockade and siege tactics that have not worked to a relaxed and evolutionary policy in which events unfold on the ground, with the free consent of both peoples, in the direction of a workable settlement and a durable partnership within the EU.

9. Despite this, the Greek Cypriots proceeded to full membership status within the European Union, while the Turkish Cypriots continue to exist under an international blockade, with restrictions on international trade, air links with the rest of the world, and non-recognition of their government and officials. In the aftermath of the referendum they were promised financial cooperation from the European Union which has to date not materialised.

10. It is clear that the European Union now has to contend with the difficulties of admitting a country whose divisions have been a major source of regional instability. But for the improved climate in Greek-Turkish relations and the spirit of partnership which is growing between Greece and Turkey, these difficulties would have been much more acute.

## III. FUTURE PROSPECTS AND POLICY CHOICES

### 11. *What are the implications for the EU of admitting a divided country?*

- Remember that the EU admitted Cyprus because it feared the much larger eastwards expansion would be vetoed if it did not.
- The obvious implication is that the EU will be drawn into the dispute, both inside that country and in the region around it.
- Unnecessary diplomatic, political, and legal disputes with a friendly allied country of considerable importance to the EU.
- A possible revival of regional instability in the Eastern Mediterranean.
- With a divided member, the EU will almost certainly face *continual* practical, legal and administrative *problems* regarding the denial of flow of persons and goods into and out of territory the EU claims as part of it but which it does not control.
- It will face *Political and ethical problems* with a substantial proportion of the population suffering discrimination and rejecting the recognized government.
- There could be *Potential exacerbation of Christian-Muslim tensions* inside and outside the EU since the Cyprus problem in some ways resembles the conflict in Bosnia.

Some of these have been experienced in the past with the case of East Germany. However there was no active conflict between the two Germanys and they moved from de facto to de iure recognition of each other. This principle of denial and non-recognition has led further into morally unhealthy areas of denying normal freedoms and human rights to the Turkish Cypriots, such as the right to trade or travel from their own territory or to receive international assistance or attend international meetings in their own name. These are the sorts of penalties normally invoked not on a nationality but on criminal rebels. It is wholly against all recent European precedents. Nothing similar was seen when the constituent countries of former Yugoslavia broke away. It is, frankly, the result of allowing British and European policy to be propelled by one of the parties in the dispute.

While this was the case, the dispute became more and more intractable. When the Annan Plan restored a reassurance of realism and recognition to policy over Cyprus, the situation immediately became more manageable. If both sides had known that they would not have entered the EU unless there was a settlement, there would probably have been one and on a fair and realistic basis. The EU fell into a trap which it had constructed for itself.

The EU, after seeing that the Turkish Cypriots accepted a settlement which it urged on them, cannot now reasonably revert to treating them as if they were political offenders deserving punishment.

12. *The implications for the EU's relationship with Turkey?*

- *First the difference in scale between Turkey and Southern Cyprus has to be noted.* Major EU interests are jeopardised by the possibility of EU involvement in an unresolved Cyprus dispute.
- *Turkey is a secular state.* The Turkish Cypriots are also secular in their institutions. But there is no doubt that they have suffered because of their Ottoman Muslim cultural heritage. The Cyprus dispute is especially unacceptable at a time when Christians and Muslims are trying to overcome their differences and work together.
- *Turkey's EU membership faces an unnecessary complication.* Integration between Turkey and the EU offers enormous political, economic, and strategic advantages, but the scale of the operation means that it will be a real challenge for both sides as well. It is important that this challenge is faced in a spirit of constructive and cooperative partnership. The Cyprus dispute, basically an ethno-nationalist disagreement which has nothing to do with the EU unless the Union is defined in terms of political Christianity, could potentially upset the whole spirit of partnership and trust needed on both sides at this time.

13. The European Union has few instruments at its disposal for dealing with a dispute of this kind when an individual member does not wish to conform to the views of the Commission or other states on a political matter. The moment when it might have found it easiest to act was last spring in the aftermath of the referendum. There is now surely a significant possibility that the isolation and siege of the Turkish Cypriots will continue indefinitely and that the government of the south of the island will impose unrealistic and unjust terms for ending the deadlock.

14. The Greek Cypriot government is now also attempting to use its status within the EU to impose conditions on Turkey where recognition and other rights are concerned. This situation was easily foreseeable before the accession of the Greek Cypriots to the EU. Leaving to one side the question of Turkey's own accession, these developments could endanger EU relations with Turkey—a country where it has strategic and economic interests of an altogether different scale.

15. Memories are short and political attitudes can change in a year or two. Despite the events of the spring of 2004, it is entirely possible that EU policy-making will, under pressure from the Greek Cypriot government, drift back to where it was before the publication of the Anan Plan, ie formal isolation of the Turkish Cypriots, denial of the realities on the island, and confrontation with Turkey.

16. It would appear that broadly speaking the EU has a limited range of options on Cyprus.

- A “fudge” which allows the present situation to continue despite the wishes of both the Turkish and Greek Cypriot nationalities.
- Reversion to full legal endorsement of Greek Cypriot claims against the Turkish Cypriot nation aspirations, and perhaps regarding the Turkish Cypriots as essentially rebels against the EU.
- Constructive engagement aimed at reshaping the balance on the island and enabling the Turkish Cypriots to enjoy the rights which have in theory been conferred upon them by EU accession and opening up an expanding agreement between the two nationalities in Cyprus.

17. For the EU, as for the international community, the Cyprus dispute seems to be a small and secondary issue and there is little disposition to “grasp the nettle” and take an active stand on it or devote large amounts of political attention to it.

#### IV. THE NEED FOR A SOLUTION

18. Yet it is a problem which must be solved. Without a resolution for the problem:

- There is the possibility that the EU's relations with Turkey will become embroiled in the dispute.
- Just as the Cyprus dispute poisoned previously good relations between Turkey and Greece after 1954, disputes on the island could halt the trend to normalisation of Greek-Turkish relations.
- It is surely morally unacceptable in twenty first century Europe for a national community to be denied prosperity and recognition in the way that the Turkish Cypriots have been, especially when it is born in mind that its people have known the active fear of bloodshed within the lifetime of most of its adults.

19. The way forward on Cyprus is to untie the bonds which have been placed on the Turkish Cypriots and then allow the two nationalities to work together and cooperate within the framework of their shared EU membership. In the short term this means giving the Turkish Cypriots the same legal and practical rights as everyone else enjoys.

- International access by air and sea.
- Rights to travel and to trade freely.

- The right to a voice on a range of occasions, formal and informal, where Turkish Cypriots can reasonably expect to be present.
- A proportionate share of financial assistance and cooperation on infrastructural project.

## V. THE UK AND CYPRUS

### 20. *Should the UK continue to back the Annan Plan?*

The Annan Plan very nearly worked. It remains the best definition of a settlement that exists. It should continue until the two nationalities in Cyprus reach a genuine agreement on something better. Changing it just to suit one side would be the starting signal for a fresh political conflict between the two Cypriot nationalities.

The Annan plan was the outcome of agreements and understandings between all the parties involved and took into account all their legitimate concerns and expectations to the extent that it was possible to do so. As far as the Turkish Cypriots were concerned, it perhaps underestimated their desire for security but took, broadly speaking, a fair account of their other aspirations. That is why, by a decisive majority, they decided to overcome their reservations and give it their support.

If the Annan Plan is abandoned, either by a single party like the EU, or by several parties, the question arises what—if anything—will replace it?

- If nothing replaces it, then there will presumably be no negotiated settlement and what we shall see is a deepening division of the island.
- If another plan were to replace it, then we have to ask in what ways it would be different from the Annan Plan?

The answer presumably is that it would have to be in some way more attractive to the Greek Cypriots. The indications are that they rejected the Annan Plan in 2004 basically because they did not accept its model of realistic co-equality between the two self-governing nationalities on the island. The two most likely ways in which it would differ would either be (a) that the new plan would introduce an element of greater subordination of the Turkish Cypriots to the south or (b) that there would be substantial concessions on land or related matters. These would almost certainly not be acceptable. The Annan Plan contained a very delicate balance on these complex matters. It is the best way forward. If the Annan Plan is discarded, then we shall almost certainly see a deepening rupture between the two sides on the island and the Turkish Cypriots will remain outside the EU and forced to seek recognition wherever they can.

### 21. *Should the British government seek to alter its relationship with the northern part of the island, and if so how?*

- A very simple first step would be to stop pretending that there is no Turkish Cypriot state, Turkish Cypriot government, and officials no officials or citizens. This does violence not just to their rights but to commonsense.
- Progress has to be made to allow the Turkish Cypriots to trade freely and travel freely. There can be no moral justification for Britain or any other country denying them these rights.

### 22. *What role the United Kingdom should play in the continuing process of negotiations between the two communities on the island?*

Because of its historical role as the former colonial power and its expertise, and its presence on the island in the Sovereign bases, and most of all as a Guarantor Power in the island, Britain will continue to play a major role in the international diplomacy over Cyprus. It is to be hoped that its role in the future will be more impartial than it has been in the past.

Much depends on whether or not, full note is taken of the existence and aspirations of both sides and their ability to determine their own future. In Turkey and Turkish Cyprus, we naturally believe that this role will be more effective if Britain takes due note of the existence of both nationalities in Cyprus not just one.

We also note that there is a large and vigorous British community in Northern Cyprus which plays an active part in Turkish Cypriot life and we believe that that it should act as a bridge between Cyprus and Britain.

Britain can help facilitate events at several levels,

- At the level of *policy-making in the EU and the UN*.
- In intercommunal relations and the *developments of further links between Turkish and Greek Cypriots in London*.
- In *fostering cross-border contacts* in different fields inside Cyprus—this might be done within an EU umbrella, for instance by having working contacts between professional groups, media groups, administrators, and politicians from both sides.

- *In monitoring developments* to make sure that a blockade-type situation does not continue on the island. British officials are well placed to detect obvious injustices, irregularities, and discrimination do not take place by drawing attention to them.

23. The European Union also needs to support and encourage international forums in which Turkish and Greek Cypriots at all levels of society can begin a genuine dialogue on a basis of equality, with the long term aim of getting to know each other and understand each other's position on key issues. The policy of blockading and besieging the Turkish Cypriots strikes directly at the basis of creating a common understanding on which a future partnership can be based.

## VI CONCLUSION

24. The comments made in this paper have referred generally to the European Union, but the United Kingdom has always played the key role in diplomacy surrounding Cyprus.

In recent years, I personally believe that Lord Hannay, as Britain's Special Envoy on Cyprus, built up deep respect for himself and his country, during his work on Cyprus. He recognized the fundamental realities of the situation and prepared the way for the Annan Plan and a realistic and just settlement in the island. I hope that his example will offer guidance for British policy-makers as they consider Cyprus in the future.

25. The events of last spring have shown that a negotiated settlement is possible but have raised questions about the ability of Britain and its EU partners to sustain the political effort needed to achieve one. In view of the high cost of the dispute between the two nationalities in Cyprus over the last half century, it is essential that impetus towards normalisation be resumed, synchronised with Turkey's own EU accession process. Otherwise the Cyprus situation will, sooner or later, create fresh difficulties which, because of the new EU dimension to the dispute, may be more serious than those of the past.

*Özdem Sanberk*

*October 2004*

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*Witness: Lord Hannay of Chiswick CH GCMG, a Member of the House of Lords, examined.*

**Q39 Chairman:** Lord Hannay, can I welcome you, as a fellow parliamentarian. You are formerly the Government's Special Representative for Cyprus and closely involved in the drafting and negotiation on the Annan plan. I understand that you wish to make a very brief statement to the Committee.

**Lord Hannay of Chiswick:** Yes, Chairman, thank you very much. My statement is purely to underline the fact that I have not now, and have not since May 2003 had, any connection whatsoever with the British Government; and I am not speaking, therefore, and answering your questions, in any sense on their behalf, nor should what I say be held to reflect their policy. I think it is important to say that for the avoidance of all misunderstanding.

**Q40 Chairman:** It is important to get that on the record. Basically just to set the ground, perhaps you could say a little about your own involvement in pushing, as Sisyphus, this stone to the top of the hill only to see it rolling back again, so could you summarise your own involvement both in generally finding a solution to the problem of Cyprus and particularly in the drafting of the Annan Plan.

**Lord Hannay of Chiswick:** Yes, Chairman. When I started in 1996, when Sir Malcolm Rifkind, the then Foreign Secretary, asked me to take on a job which had not existed before as Special Representative for Cyprus, it was because the British Government felt at the time, so they told me, that having committed themselves to Cyprus's membership of the European Union and that having some quite tricky implications for the situation in the eastern Mediterranean, it was really part of our duty to make a further effort, a further serious effort, to get

a settlement to the Cyprus problem to obviate some of the tensions that would arise, so that was where my job started. For the next seven years I, as you put it, pushed the stone, like Sisyphus, up the hill and saw it roll back down again several times. At the beginning, the prospects were really very poor because there had been two attempts, the attempt by Boutros Boutros Ghali in the early 1990s and then the major confidence-building measures involving Varosha and Nicosia Airport after that, both of which had run into the sands; and there was no enthusiasm on either side of the island for a new attempt to settle the problem. Both, in their different ways, took a very gloomy view. Mr Denktash did not want a settlement and President Clerides would have liked one, but did not believe that one was even faintly possible; so the first stages were really to get a show on the road and that we managed to do by 1997. But the tension that arose during 1997 over the Commission's handling of Turkey's EU application made that also run into the sands and the stone rolled back to the bottom of the hill. Then from 1998 onwards, once the tension over the stationing of missiles in Cyprus had dissipated, we had a further and much more elaborate attempt in which we, the European Union, the United States and the United Nations worked systematically together and that led through a series of negotiations, with which I will not bore you, to the Annan Plan.

**Q41 Chairman:** Were you directly involved in the drafting of it?

**Lord Hannay of Chiswick:** No, I was not involved in the drafting of it. The drafting was entirely done by the United Nations. Of course they were inspired

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very largely by negotiations which had been going on since 1963 and, in particular, the negotiations in 1992 when Boutros Ghali's Set of Ideas had made a lot of progress and had established quite a lot of common ground, but had not got agreement, so they were not starting from scratch. I expect I contributed to some thinking here or there, but I did not draft the Plan.

**Q42 Chairman:** But the end result was Annan Five which many would say was by far the best chance of uniting the island since the invasion in 1974 and the rejection led to a feeling of being let down both at the United Nations and no doubt with the Secretary-General, Kofi Annan, and, within the European Union, Gunther Verheugen. Did you feel personally a sense of let-down at the events of only this year and the referendums?

**Lord Hannay of Chiswick:** Well, in a fairly lengthy diplomatic career, I have felt that it is unwise to feel personally let down in these matters. If so, you tend to suffer from terminal pessimism which I do not normally do. No, I did not feel personally let down. I felt extremely sad about what happened because I did, as you suggest, believe that this had been a real opportunity, that the Annan Plan, in all its iterations, One, Two, Three, Four and Five, provided a negotiable outcome which could have respected the vital interests of both sides; I thought a huge opportunity was missed, and I was sad. I was sad for the people of Cyprus who, in my view, were going to suffer from this because nobody was going to go back to their homes in the, no Turkish troops were going to be withdrawn and the situation was going to remain stuck, which I think is not in anyone's interest.

**Q43 Chairman:** In April, when it was clear that security was becoming a matter of great concern to the Greek Cypriots, the United States and the United Kingdom took to the Security Council a draft Resolution which one would have hoped would have solved or allayed the fears of the Greek Cypriots. That was vetoed by Russia, some say under the pressure of the Government of Cyprus. What is your reading of that attempt to find a solution to the security problems and the reason for the veto?

**Q44 Lord Hannay of Chiswick:** Well, I was not in New York at the time, but I did notice that Mr Iacovou, the Foreign Minister of Cyprus, was in Moscow at the time that the veto was decided, so I will leave it to others to draw their own conclusions from that, but I think it was very unfortunate that it was vetoed. Let's put it this way: the British and the Americans, when they took to the Council this Resolution, were not doing something off their own bat; what they were doing was in the Annan Plan, as needed to be done. In the Annan Plan, there is a page at the back which says, "Action to be requested from the Security Council", because it had been understood all along that the say-so of the signatories to the Annan Plan would not be enough in itself, that this needed to be underpinned by the

guarantees of the international community and, in particular, of the Security Council, guarantees about a legally enforceable ban on any weapons going to the island, a ban on any divergence from the implementation of the Plan. It was crucial to answering the Greek Cypriot concern that they could not be sure that the Turks would actually implement everything properly. The underpinning of a mandatory Resolution of the Security Council, I am not saying that is an absolute guarantee, but it is certainly a lot better than not having it.

**Q45 Chairman:** What was the motive in vetoing that?

**Lord Hannay of Chiswick:** I think you would have to ask the people who argued against the Resolution. I have no idea, except that I think, if I had to speculate, it is because it involved endorsing the Plan and that was of course extremely inconvenient for a government, the Greek Cypriot Government, which was actually campaigning to reject the Plan.

**Q46 Mr Maples:** I would like to try and get at why precisely you think the Plan was rejected by the Greek Cypriots. Do you think that it simply did not meet the aspirations of the 76% of Greek Cypriots who voted against it or was it a function of the change of leadership from Clerides to Papadopoulos and if Clerides had been President, do you think, if he had campaigned for the "yes" vote, he would have got it? Perhaps at the same time, if you think it was Papadopoulos's call for a "no" vote that actually got the rejection, is there any type of Annan Plan that he is likely to accept or is he looking at a completely different solution from a sort of unitary state that would guarantee the minority rights for Turkish Cypriots rather than a Byzantine state? That is an awful lot of things rolled up in one.

**Lord Hannay of Chiswick:** Yes. Well, I think that the chances of the Plan being accepted would have been a great deal better if it had been accepted and put to the people a year earlier; and the fault for that was not actually on the Greek Cypriot side, but it was Mr Denktash's fault that it was not, because it was Mr Denktash who prevented the negotiation and acceptance of Annan Two or Three at Copenhagen and then at The Hague. I think if it had been put then, when President Clerides had still been in office, there would have been a much better chance. Why do I think it failed more widely than that? I do think that all Greek Cypriot politicians, and that includes President Clerides and his Party, have some responsibility for the fact that they did not prepare opinion on their side of the island for the necessary compromises. For many, many years, Greek Cypriot politicians in every election had promised the sky, the moon and the stars to their electorate, that all Greek Cypriots would go back, all Turkish troops would be removed and all the settlers would be sent back to Turkey. If you read their election speeches, that is what they said. Then of course the Annan Plan appeared, and it did not quite say that, and nobody was ready for it. Now, interestingly enough, on the of the island, they were ready for it, because they had been having a tremendously lively

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debate for two years about whether or not they could trust Mr Denktash to negotiate in good faith and finally they had come to the conclusion, the majority amongst them and that was reflected in the huge demonstrations in Nicosia at the end of 2002 and the beginning of 2003, that he could not be trusted; and that they wanted to sign up to the Annan Plan and to join the European Union at the same time as the south. Therefore, ironically, public opinion, in the most proper, democratic sense, was properly prepared in the for what was in the Annan Plan and, not surprisingly, therefore, they voted for it; and public opinion in the south was not prepared for what was in the Annan Plan and was, therefore, I fear, prey to all sorts of scare stories which, to my mind, were greatly exaggerated.

**Q47 Mr Maples:** If one were trying to resurrect the process now, is it a question of trying to amend the Annan Plan in a way which would get Mr Papadopoulos to campaign for a “yes” vote or do you think that there is no form of the Annan Plan which he is going to find acceptable? Is he looking for a completely separate kind of solution or indeed no solution?

**Lord Hannay of Chiswick:** Well, I would take a fairly pessimistic view about his attitude to any version of the Annan Plan which is even remotely acceptable to the other side. The other side, you must remember, has actually voted for the Annan Plan as it stands and is not very heavily motivated to change that view. But when I read what President Papadopoulos said both during the campaign for the “no” vote and subsequently in the long documents that he has sent forward to the Secretary-General of the United Nations, I find it almost impossible to believe that he would accept any version of the Annan Plan, because his reasoning takes *seriatim* every single bit of the foundations to the Annan Plan and throws it away. So I do not find it very convincing, the thought that he could have been negotiating in very good faith at the time that he was talking about the Annan Plan. Whatever reason anyway, I am afraid to say that his communications to the Secretary-General that I have seen in the last year bear a striking resemblance to those of Mr Denktash in the previous 30 years.

**Q48 Mr Maples:** Do you think we made a terrible mistake in agreeing to let Cyprus into the European Union before insisting that there was not this problem because it looks to some of us as though we have been comprehensively out-manoeuvred by the Greek Cypriots and that they have got into the European Union without having to do a deal with the Turkish to reunite the island? Do you think that is it or do you think that is just a happy accident for Mr Papadopoulos?

**Lord Hannay of Chiswick:** I think that is to delve a long way back into history. It was a decision that was taken effectively in 1995 at the time when the Customs Union Agreement for Turkey was going through the Council and it was part of the price that the European Union and Turkey had to pay to get that very important agreement through which was

to establish the customs union between Turkey and the European Union. Was it sensible to do that? I think we had better leave that to the historians, frankly; I do not want to pass a judgment on it. During the whole of the time that I was responsible, I took that as a given. I did not feel, I do not feel, that the European Union can do other than work on the basis of *pacta sunt servanda*; and it had made an agreement.

**Q49 Mr Olnier:** Perhaps following on along the same line Mr Maples took, the thing that is different now, whether we like it or not, regardless of the referendum, is that Cyprus is in the European Union. How are the benefits of the Union going to be delivered to the island of Cyprus in a way that is beneficial to both sides of the island?

**Lord Hannay of Chiswick:** Well, the objectives agreed by the European Union immediately before Cyprus joined at the end of April and immediately after the referendum failure, with the agreement of the Greek Cypriot Government, was that the European Union would earmark and disburse a large sum of money, €259 million, over the next two or three years and also that it would deal with trade problems in a way which would help bring the of Cyprus closer to the European Union; and that effectively means getting both cross-Green Line trade and trade from the into the European Union moving again, which, as you know, has been prevented by a European Court of Justice judgment of 1992, I think. There are two proposals on the table in Brussels now, as I understand it, one which deals with the aid and one which deals with trade; and the aid one is more or less through now and the trade one is stuck and there are many arguments being put forward by the Government of Cyprus to the effect that it would be a bad thing to resume trade from the to the European Union because this would consolidate the separation of the island. My own view is that that is very counter-intuitive. I think that if trade from the were resumed, this would help what is an absolutely essential feature of the reuniting of the island which is to narrow the gap between the economic prosperity of the and the economic prosperity of the south, so I would hope that at some time in the next few months it will be possible to agree a basis under which this trade can be resumed.

**Q50 Mr Olnier:** Can you confirm one thing for me. Who is going to keep account of the checks and balances because I would imagine that both sides of the island are watching like hawks to see if one side of the island is being favoured more than the other, particularly in terms of economic aid and restructuring? Who is really going to keep a proper score on that?

**Lord Hannay of Chiswick:** I think there is no simple answer. The reality of the Cyprus situation is that it has always been accepted that any settlement would have to be endorsed by the electorate on both sides; in the end, they are the arbiters. I do myself think that the Cypriots have, however, handicapped themselves in making this judgment by locking themselves into what I would call a ‘zero-sum

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mentality' by which they believe that anything that is done to deal with a sensitive point or a difficulty of the other side must ineluctably be to the detriment of their side. Now, that is not actually the case. If you, for example, found ways in which more European money could be diverted to help the south bear the economic costs, for example, of reuniting, that would not damage the Turkish Cypriots at all. If you enable the Turkish Cypriots to feel more certain that their bi-zonality, that their control of their own constituent state, is not going to be undermined in the future, that does not damage the Greek Cypriots at all, unless they have the object of dominating the Turkish Cypriot constituent state which they have forsworn in the settlement. I think it is wrong myself to have a zero-sum approach, all the more so because I think it is pretty clear that a reunited Cyprus that joined the European Union would not in itself be a zero sum at all; quite the contrary, the cake would get a lot bigger over the years. Cyprus is well placed to make the most out of the opening up of the Turkish market and out of its place close to the Middle East and so on. I believe myself that the Cyprus after a settlement would get a great deal of benefit and that is why I think somehow or other in this next period we have got to try, all of us, to persuade Cypriots to stop doing zero sums.

**Q51 Mr Mackay:** Could we just briefly stay on the role of the Greek Cypriot leadership and then move on to the Turkish Cypriot leadership. Taking you back slightly, Kofi Annan in his *Good Offices* report, you will recall, more or less said that the Greek Cypriots at the time had failed to articulate their concerns. Perhaps more interestingly, their former Foreign Minister said, "The problem is that a specific strategy on what we want changed to the Annan Plan doesn't exist". You are broadly endorsing that, are you not, and just saying that they assumed it would not happen and did not put forward an alternative and now it is so overwhelmed, it is bearing down on the Annan Plan and we are back to square one. I do not want to put words into your mouth, but is that a fair interpretation?

**Lord Hannay of Chiswick:** That is very broadly the case. I think it is important to remember that the words that Kofi Annan used in April of this year, 2004, towards the Greek Cypriots are almost identical to the language he used in March 2003 towards the Turkish Cypriots after Mr Denktash had destroyed the meeting at The Hague and had effectively brought the whole process to a grinding halt; and he used very similar analysis and language on that occasion. I think myself he was justified on both occasions.

**Q52 Mr Mackay:** We will be in both Cyprus and northern Cyprus, both sides of the island, as you know, next week. We are not quite clear of the background to Mr Talat's resignation. Do you interpret it as being about a battle with the hard-liners or do you think it is more personality? How should we prepare for when we meet these key players?

**Lord Hannay of Chiswick:** Well, I do not know. I have not been to Cyprus for 18 months, but, as I understand it, the reason for the resignation is that Talat, the Prime Minister, lost his majority in the Assembly and could not, therefore, get government business through and quite properly, therefore, had to resign. But it appears that the hard-liners, the previous Prime Minister Eroglu, has discovered that he too cannot form a government, so the likelihood is that there will be premature parliamentary elections in the north to establish where the balance lies, but I cannot go beyond that. I think you will find a lot more next week. I think there is a rather confused situation, although I was told by somebody I spoke to in just the last two or three days that the support for the Turkish Cypriot parties who voted for a settlement or those who did not vote against, and that is Serdar Denktash, is much stronger than the vote for the rejectionists. But I think you will have to find that out; it is not a clear-cut situation. However, I do not think that is necessarily a disaster, because my own view is that it is not likely that the Cyprus situation will become more flexible and fluid for some time. First of all, I think the decision to be taken by the European Union on 17 December on Turkey's application is absolutely fundamental and until that is taken, I do not think there is much that one could do to address the Cyprus problem. Once it has been taken, I think it will bring about over time a fundamental shift of appreciation by everyone, because I think at that point it will become pretty clear that a settlement at some stage is inevitable and that may help to create a climate in which these matters can be addressed again. I would myself not be in favour of rushing at it; I think the situation particularly in the south is not very propitious at the moment.

**Q53 Mr Hamilton:** Lord Hannay, we have talked a lot about the reasons why the referendum was so roundly rejected by southern Greek Cypriots. I am delighted that you feel that a settlement is inevitable ultimately, but in order to understand how we can move forward, we need to understand why they did indeed reject the Annan Plan. Do you think it was based around the Greek Cypriots' fears about the troops, about their own security, about the cost involved in reuniting their island and indeed about the timescale that the Annan Plan laid down?

**Lord Hannay of Chiswick:** I think I have mentioned in this discussion now really three elements which seem to me to have contributed to it. One was the failure of all Greek Cypriot politicians to prepare the electorate for the necessary compromises, the second is the zero-sum mentality, by which some concessions that were made to one side were, therefore, automatically scored as losses to the other, and the third is the issue of security and the credibility of the undertakings. It is true that the Plan envisages a gradual surrender of territory by the Turkish Cypriots to the Greek Cypriot state, a gradual withdrawal of Turkish troops and so on. It is frankly extremely difficult to think of any peace plan that has not indeed had a gradual approach of that sort; it is the normal thing to happen. But you

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do have to believe in it and that is where the underpinning of a Security Council Resolution is absolutely vital. Also, I would add frankly that it should not be impossible to get the Greek Cypriots to understand that once Turkey has started accession negotiations with the European Union, the stakes will have gone up so high that the chances of the Turks not implementing international undertakings they have taken are, I think, very small because the cost to them would be colossal. It would of course immediately impact on their accession negotiations if they reneged. So I do not believe they would and I see no reason to believe it. I believe that this Turkish Government has negotiated in good faith and I believe they wish to apply the Annan Plan to the letter. But I do understand that the Greek Cypriots, who have had a long and troubled history, find it difficult to take that for granted and, therefore, want reassurance. Well, the answer, as I say, is a mandatory Security Council Resolution and EU/Turkey accession negotiations ongoing.

**Q54 Mr Hamilton:** You said earlier, and I have to say I agree entirely with the point you made, that one of the things that will enable Turkish Cypriots more likely to be acceptable to Greek Cypriots is if the levels of prosperity were more equal, in other words, that Turkish Cyprus should have the chance to become a little bit wealthier through trade through its own efforts. Do you think that is one way in which the Annan Plan could be modified to make it more acceptable to Greek Cypriots if there was education and understanding amongst Greek Cypriots without making it unacceptable to Turkish Cypriots or are there other ways?

**Lord Hannay of Chiswick:** I believe myself that if you freed up trade both on the island and between the island and the European Union, you would get a lot of prosperity for the Greek Cypriots too because the Turkish Cypriots are going to buy a lot of Greek Cypriot services if there is a freedom of trade on the island, so I think, as I keep saying, it is not a zero-sum game; it is a game in which the cake can get larger. However, I do believe that you do have to do something about this gap; the poverty and the deprivation in the north is real and it is not helpful to a settlement. You have, I think, something near to 50% of the active population in the civil service and there is very little economic activity, although it has picked up a bit in recent times. So I think that enabling the north to trade with the European Union, which was, after all, agreed by the European Union back in the 1980s when the customs union with Cyprus was negotiated, and the north had every right to trade with the European Union; unfortunately they destroyed it, on a technicality (their ability to do so) by declaring their independence and thus invalidating all the stamps and seals which they used to show that the goods had been properly inspected and so on, so it was a self-inflicted wound by the Turkish Cypriots, by Mr Denktash's policy of pursuing status rather than pursuing a settlement. But I do not think we should forget that the European Union's original purpose

in signing the customs union with Cyprus was that all Cypriots, Greek and Turkish, should benefit from free trade and the customs union.

**Q55 Mr Hamilton:** How then, do you think, are Greek Cypriots to be persuaded that an improvement in the living standards and an eradication of some of the poverty of northern Cypriots, Turkish Cypriots, is actually to their benefit as well? Surely it needs some inspired leadership rather than simply some of the old mantras being repeated?

**Lord Hannay of Chiswick:** I agree with that, but I do not think it can be done by foreigners simply telling them that they are wrong. I think they have to come to that conclusion by their own processes. I would hope, above all, that in doing so they would once and for all understand that in many of these cases these are not zero sums, that just because the Turkish Cypriots are going to get more prosperous, the Greek Cypriots are not going to get poorer.

**Q56 Mr Hamilton:** The Annan Plan is legally null and void, and that is certainly described in the Plan itself, should it be rejected by either side, but is there any hope of it being resurrected?

**Lord Hannay of Chiswick:** I find it difficult to believe that a settlement of the Cyprus problem can be found on a basis very far removed from the Annan Plan in the form that it was submitted in April. I do not want to say that absolutely nothing can be changed; it obviously can. The Annan Plan itself was changed four times and each time the package that was put forward by the Secretary-General of the United Nations had a number of concessions to points raised by both sides, so could it happen again? I think it probably could. But don't let us exaggerate the extent to which that can happen, first of all, because the Turkish Cypriots have actually signed up to it and, secondly, because, by definition in a way, Kofi Annan has used up a lot of flexibility that was available in producing the amendments to the four versions of his original Plan.

**Q57 Mr Hamilton:** Kofi Annan himself has said that he sees "no apparent basis for resuming the good offices effort". What do you think the UN should be doing?

**Lord Hannay of Chiswick:** I think there is not a great deal that the UN can do in the short term, quite honestly. I am not myself in favour of diverting, as was the case in the 1990s, away to confidence-building measures, which proved to be a dead end. I think the United Nations has to remain available, it has to remain willing to lend its undoubted authority and skills to a further attempt to solve the problem, but only, and this is what Kofi Annan said at the time in 2003 when Mr Denktash destroyed the effort at The Hague, only when there is a fundamental indication of willingness to negotiate on the basis of the Plan. That fundamental willingness to negotiate on the basis of the Plan was established by the Turkish Cypriot parliamentary elections in December 2003 and by the messages that were given to Kofi Annan personally by Mr Erdögan, the



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Turkish Prime Minister, in January 2004. Who am I to say how that should be indicated, but I think he needs to have an indication, a clear indication, of a willingness from the Greek Cypriot side of that nature. The Turks and the Turkish Cypriots certainly did not say that they were accepting every single word of the Plan; there and then, but they did say they were prepared to come back to the table and negotiate firmly on the basis of the Plan and they demonstrated, by their dealings with the Secretary-General, that they really meant that.

**Q58 Andrew Mackinlay:** Earlier, reference was made to the visit of the Foreign Minister to Moscow at the time of the Security Council discussions and you sort of said, "I know he was there at that time", but what about one of the factors, that the Americans accompanied the United Kingdom delegation to Bürgenstock? Did that not in itself contribute to deep suspicion by the Greek Cypriot Government, with some legitimacy, that this was America not only muscling in, but bearing in mind the view in Greek Cypriot circles that America acquiesced in the invasion all those years ago, that sort of thing, was that not a factor?

**Lord Hannay of Chiswick:** It may have been a factor, but I do not think it should have been. Successive Greek Cypriot governments had pleaded with the Americans again and again to use their influence with the Government of Turkey to influence Mr Denktash to come to a settlement. I do not know quite how the American Administration was meant to use its influence at Bürgenstock if it was not there. Every Greek Cypriot Administration, as I say, from time immemorial has always said to us and to the Americans, "You've got to persuade the Turks", and we said, "Yes, we understand that it is part of our role to convince the Government of Turkey and the Turkish Cypriots that it is in their interest to come to a settlement". This objective was very hard to pursue so long as Denktash was in charge of policy, but became a great deal easier to pursue thereafter. Frankly, I cannot get myself terribly excited about whether or not Tom Weston was in the British delegation or not at Bürgenstock. I do not really see what the argument is, given what seems to me to be fairly obvious, if one is not slipping into the conspiratorial view that often does run on the island, that neither Britain nor the United States had any particular axe to grind in this matter. What they wanted, both of them for rather different reasons, was a settlement which the two parties and the two motherlands, Greece and Turkey, would subscribe to. The Americans, why? Because it would bring stability in the eastern Mediterranean. The British, why? Because it would mean that a reunited Cyprus could join the European Union. Those are perfectly open, in my view, defensible motivations. They were not motivations about helping one side or helping the other. My own experience was that both we and the Americans spoke extremely toughly in private to both sides all the time.

**Q59 Andrew Mackinlay:** I wonder if you can throw any light on the suggestion that there was a "secret appendix" or codicil to Bürgenstock relating to the Sovereign Base Areas and in any event the fact that the United Kingdom basically offered up as part of the settlement I think, in land area, about half of the Sovereign Base Areas, does it not raise a separate, but very important issue for the United Kingdom as to our legitimacy in holding that part of the Sovereign Base Areas, particularly against the background of the United Nations with the Kurds and so on, so, firstly, do you know if there was any secret codicil and, secondly, what about the Sovereign Base Areas because really if we can throw them into the pot, we cannot justify holding them, can we?

**Lord Hannay of Chiswick:** As far as I know, there is no secret codicil. I was not in government employment at the time of Bürgenstock. There is of course an amendment to the Treaty of Establishment which is a necessary part of the package because that is what enabled the British Government to cede the 46 square miles that it was offering in the context of an agreement. It is there written clearly, like the other several hundred pages of the Annan Plan and there is nothing secret about it at all. It is a necessary requirement to give effect to that. Does that invalidate Britain's position in the Sovereign Base Areas? I do not believe so. The position was established under international law in the Treaties of Guarantee, Alliance and Establishment of 1960 and it remains valid. The British Government decided on its own that, in order to help get a settlement and in order to slightly enlarge the territorial pot that was available to both sides in terms of adjustments, it would surrender about half the Sovereign Base Areas which were not necessary to its military requirements. This unrequited offer has never ceased to puzzle the conspiracy theorists in Cyprus who, I fear, have found it almost inconceivable that anybody could ever make such an offer. But they did. The question about colonialism does not honestly arise because I think there is a misunderstanding. The Sovereign Base Areas are not colonies. There are no Cypriots colonised. The Cypriots who live in the Sovereign Base Areas are citizens of the Republic of Cyprus, they are taxed by the Republic of Cyprus and they are looked after in every way, health and every other way, by the Republic of Cyprus. They are Sovereign Base Areas, not colonies.

**Q60 Andrew Mackinlay:** You and others keep referring to the electorate of northern Cyprus having endorsed the Annan Plan, but there seems to be a marked reluctance by anybody to give some disclosure as to that franchise and what it constituted, how many were, if I may say, indigenous Turkish Cypriots and how many were post-invasion. It does seem to me to be a material factor if that is going to be advanced so that northern Cyprus endorse this. I can well understand the logic, the desire of people who are recent-comers from the mainland of Turkey to endorse it because

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it gives them immediate European Union citizenship, but can you throw any light upon this at all?

**Lord Hannay of Chiswick:** I cannot do very much, except to say that it was apparent to, I think, everyone involved in the negotiation that if the United Nations had imposed an obligation to sort out the whole status of the various people in the north, some of whom had received citizenship and some of whom had not, there would have been a very long delay in any vote. The voting rolls which existed for Turkish Cypriot parliamentary elections and Turkish Cypriot presidential elections were in existence and they were what they were. I think it was generally agreed, and indeed the Greek Cypriots knew all about this, that this was a valid basis on which to seek an opinion. For a very long time it was assumed that the presence of Turks in the north, possibly many of them voting, was actually liable to overturn the settlement reached because they were likely to be motivated or influenced to vote against it and the worry always was that the Turks in the north would outweigh the Turkish Cypriots who wanted a settlement. Now, in actual fact that did not happen and perhaps for the reasons you say, perhaps the Turks in the north felt that their interest really was in the settlement, although of course some of them were going to have to get up and move and lose their houses and so on; but they did seem to think on balance that they did and they did seem anyway, many of them, to vote for a settlement. I think in those circumstances we may be slightly at risk of arguing about how many angels we can get on the head of a pin; if it had gone the other way, I think it would have been more valid. If the presence of the Turks had resulted in the rejection of what was otherwise a majority Turkish Cypriot view that they wanted a settlement, then I would get a bit more hot under the collar about it.

**Q61 Andrew Mackinlay:** Finally, can I take you to the question of the opening of the ports and trade to northern Cyprus. I think the Dutch European Union Presidency says that it is not going to be addressed during their Presidency and in fact it could fall to being pushed by the United Kingdom Government during their Presidency, but in any event both Greece and the Cyprus Governments have a veto on this. There is a very strong case in international law that goes to the heart of sovereignty about who and how there should be access to a member of the European Union and there is the question of the flights, direct flights, to northern Cyprus. Are we heading for a European Union crisis of quite serious proportions or in fact is there really no prospect of this being dealt with, bearing in mind the Cypriot Government would see that as the unofficial Republic having its cake and eating it?

**Lord Hannay of Chiswick:** First of all, I think that if the Dutch judgment is that it cannot be adopted during their Presidency, I would not find that very surprising. But there is a Luxembourg Presidency after that; and I do really think that it is rather urgent to get this sorted out because you are not

going to be able to narrow the gap between the north and the south in prosperity if the north cannot trade, so I do think that it would be very desirable if it can be sorted out. Now, you have juxtaposed one set of considerations, which are what I call the 'legal status considerations', against ones that I would argue are equally and perhaps more compelling, which are the commonsense ones about how do you move towards a reunited island within the European Union; and it does not seem to me very evident that you pass by a continuation of the period of isolation in the north, particularly when the north has now accepted an internationally validated Plan that the European Union itself accepted. It is clear that you are right that either Greece or Cyprus could prevent this, and I believe that does seem to be the ruling of the European legal authorities, but I just hope that they will, on reflection, conclude that it is not in their interest or anyone else's to do so.

**Q62 Sir John Stanley:** Lord Hannay, are you saying to us that you believe that from where we are today there is an achievable, viable basis for commencing the negotiations again to achieve a unified Cyprus or are you saying to us that that is still now possibly some years away? Secondly, regardless of that timescale, the answer to that question, could you just distil out for us what is your own personal road-map towards a Cyprus settlement?

**Lord Hannay of Chiswick:** I do not think that it would be sensible to try to dash back to the table now on the basis of the Annan Plan, with the Government of Cyprus still extremely hostile to it and public opinion still very unconvinced of the benefits from it. So I would not think that it made a lot of sense to dash back to it. I think, as I say, that the next step is the decision on EU/Turkey on 17<sup>th</sup> December which I think will change a lot of people's attitudes to the medium and long term; and then probably one needs, as Kofi Annan said, to wait for a clear indication from the side of the Government of Cyprus that it is ready to re-engage in a realistic way. But during that time I think it is absolutely vital that the Annan Plan is not abandoned because there is not another plan completely different from that which is going to spring from the head of Athene or someone else and be accepted by both sides, so I think it is very necessary to keep that in being. Now, what is the process? I would not like to try to prescribe that. I hope that there will be a much increased process of contact between the political parties in the north individually and the political parties in the south. I think that it is now possible to cross the Green Line in a perfectly easy way and I think that, if the various political parties saw a lot more of each other and talked through their problems, they might be able to identify areas where there could be modest shifts in the way that the Plan approaches things, which would not be to the detriment of the other side even if they were to the benefit of the one; but that would not be a formal process. After all, the politicians are going to have to man, to staff the institutions of a reunited Cyprus, these are going to be the people who are going to be the Federal Government, who are going to be the

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Government of the Turkish Cypriot and the Greek Cypriot Constituent States, they are going to have to work together, so if they need to get used to talking to each other and respecting each other. One of the things that really used to distress me in Cyprus was the derogatory terms in which both sides spoke about the other, despite the fact that these people are going to have to work together one day if there is to be any settlement of the problem. So I think if that could be developed over the period ahead, then when the moment comes when it is a bit more fruitful to engage in something which really could be called a negotiating process, the ground might have been prepared. Also I do think it is absolutely vital that politicians on both sides of the divide tell their electorates that they cannot have everything; that there is going to have to be a compromise on various points. They do not need to say exactly what, but that the Cyprus problem is not going to be resolved by the total victory or defeat of one or the other.

**Q63 Sir John Stanley:** Do you think there is any risk that the present status quo could continue more or less indefinitely? We have knocked out of the hands of the UN the single most important negotiating card which was EU membership and why do you believe that somewhere down the line there might come a sufficient combination of pressures on the Greek Cypriot Government to, in your own phrase, engage in a realistic way in negotiations? Why should they not continue to settle for the status quo as it now is?

**Lord Hannay of Chiswick:** I do not know. I do not want to predict that far ahead. Obviously Turkish accession negotiations are going to take a certain amount of time. I do not myself favour trying to fix a precise length of time at this stage. I think some politicians are tending to bandy around figures that they will subsequently regret because they are so long. One thing which does seem to be fairly evident is that you cannot believe seriously that Turkey is going to become a member of the European Union without the situation in north Cyprus in a limbo being resolved. I really do not think you can believe

that. I do not see how it could come about. I do not see what the legal handling of that would be, so I think that this may dawn on people after a bit and may make them a bit more proactive in searching for a settlement.

**Q64 Sir John Stanley:** Why do you say that in relation to northern Cyprus? Is it not perfectly possible? I can see it is anomalous, but is it not surely possible for Turkey to achieve entry and for the present status of northern Cyprus to remain in limbo?

**Lord Hannay of Chiswick:** No, I do not think so, but I will be prepared to be proved wrong, though I would be sad to be so, but I do not think so, no. I think it would not be a sustainable position.

**Q65 Chairman:** If you were still advising the British Government, what would you advise them to do over the immediate future?

**Lord Hannay of Chiswick:** Well, I would advise them to stick with it because I think Britain does have a role to play in Cyprus, much misunderstood though it often is, and I believe it can be a helpful role. But I would advise them not to rush at it because I think that some of the attitudes on the ground have to change before there is a realistic hope of getting a settlement. Finally, I would say do not forget that in the end the United Nations is going to have to be the vehicle for any settlement. It is still not true that some alternative vehicle called the European Union or NATO or whatever is available; it is not available because it is not acceptable to all the parties. For Turkey and the Turkish Cypriots, they cannot accept the European Union as the guarantor of a settlement when Turkey is not in the European Union, and the European Union quite rightly has a primary responsibility towards Cyprus which is in it. So I would hope that they would stick with Cyprus, stick with the UN and proceed with caution.

**Chairman:** Lord Hannay, you described this as a discussion, but it has been the most productive discussion and thank you very much indeed.

*The Committee suspended from  
3.53 pm to 4.21 pm for a Division in the House.*

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*Witness: Mr Özdem Sanberk, retired Ambassador, examined.*

**Q66 Chairman:** It is my pleasure to welcome to Parliament, Mr Sanberk. To many of us you were a good friend when you were an excellent Turkish Ambassador here; as a Committee we have met you in Istanbul in your new—dare I call it—think-tank position and we know that you were here during the evidence given by Lord Hannay. A very simple question to begin: do you disagree with anything that Lord Hannay said?

**Mr Sanberk:** Yes. (Laughter).

**Q67 Chairman:** Let us have the details then.

**Mr Sanberk:** May I be permitted to thank you, first of all, for having invited me.

**Q68 Chairman:** I just say to my colleagues that having welcomed Mr Sanberk I asked whether he disagrees with anything that Lord Hannay said to the Committee.

**Mr Sanberk:** I would just like to thank you for having invited me to be a witness and I might also express that I do not speak for the Turkish Government or any government.

**Q69 Chairman:** More disclaimers.

**Mr Sanberk:** I am here on my own and I am an observer, trying to be an attentive observer, so all I am going to say are my own views. By and large I, of course, agree with Lord Hannay but there are points where I do not agree with him and, as you know, I am one of Lord Hannay's fans, if I may say so. I

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appreciate that he has contributed a lot, but it does not mean that we do not disagree. One of the things I disagree with him on is when he said that President Denktash missed an opportunity two years ago.

**Q70 Chairman:** You agree with him on that?

**Mr Sanberk:** I do not agree. This is history and of course we can make lots of speculations; by and large I must say that President Denktash has been vindicated now with this result of the rejection of the Annan Plan by our Greek Cypriot friends, but this is history. Just to put the record straight, I wanted to put this to you.

**Q71 Chairman:** And the areas of disagreement with what Lord Hannay told us?

**Mr Sanberk:** The areas of agreements, there are lots of areas of agreement. I think the Cyprus problem should be solved and I am optimistic that it is going to be solved. For this, of course, all parties must **expend** efforts, but I see one difficulty which we did not address so far as I can see. One of the reasons why I am optimistic is that there is one-third of the Greek Cypriot population that is for the Annan Plan and we cannot forget them. Those Greek Cypriots voted for the Annan Plan.

**Q72 Chairman:** Was it not closer to one quarter than the public opinion polls currently say?

**Mr Sanberk:** I think it is important to say that 25 or 26% voted for it, if I am not wrong. This is an important number; I expect them to take a lead in speaking up for the content of the Annan Plan at least and take the lead in pushing the Plan, or any other plan based on the parameters of the Annan Plan because I do not think that anything which could be put forward could be different than the major parameter of the Annan Plan. This is where I stop and listen.

**Q73 Chairman:** I still have not quite clarified; you disagree on certain points with Lord Hannay. What are those points?

**Mr Sanberk:** The major point where I disagreed with him was when he said that President Denktash missed the opportunity.

**Q74 Chairman:** And there is nothing more?

**Mr Sanberk:** There is nothing more.

**Chairman:** Mr Hamilton.

**Q75 Mr Hamilton:** Thank you, Mr Chairman. Mr Sanberk, welcome to London again, it is nice to see you after we met in Istanbul a couple of years ago. I want to ask you in relation to the Turkish leadership in northern Cyprus what you felt were the implications of the resignation of Mr Talat and his administration just late last month and whether you think this is part of a struggle between pragmatists and hardliners? If it is, who is going to win?

**Mr Sanberk:** I first of all have to say that I am not an expert on northern Cyprus but as an outsider and a Turkishman I think that one of the reasons for the failure of the Talat Government is the attitude of the European Union not to abide by its promises after

the rejection of the Plan and the proceeding of the Greek Cypriots to the European Union. Now I think the Turkish Cypriots are the only people in Europe who are under siege and isolation, something without a moral basis and political basis. I think this is morally wrong and politically unproductive and I think Talat paid for this state of affairs.

**Q76 Mr Hamilton:** What do you think then that the Turkish Cypriot leadership and indeed Turkey itself should do after the failure of the referendum and the Annan Plan to try and bring about settlement with the Greek Cypriots, because clearly there must be, as Lord Hannay says, a settlement eventually; the only question is how long is that going to take and how long will it be before Greek Cypriots recognise that Turkish Cyprus must be allowed to become more prosperous, and in doing so become possibly more integrated with the rest of Cyprus.

**Mr Sanberk:** I think the obvious answer to your question is the opening of trade and transport and also empowering the equal rights of the Turkish Cypriots. If that happens the process of rapprochement will start and the elements of mistrust will diminish. I think this is crucial; I cannot stress more the importance of starting direct trade and direct transport and furthering the equal rights of the Turkish Cypriots.

**Q77 Mr Hamilton:** A final question if I may, Mr Chairman, Turkey has always said that a prerequisite of a settlement for the question of Cyprus would be the recognition by the European Union of the Turkish Republic of northern Cyprus as a separate entity; do you think that Turkey would be willing to drop that prerequisite and insistence in the context of European Union negotiations for Turkey itself?

**Mr Sanberk:** Could you repeat the question?

**Q78 Mr Hamilton:** The Turkish Government has always insisted that before there can be a settlement there must be a recognition of the Turkish Republic of northern Cyprus which, as you know, no one recognises apart from Turkey itself.

**Mr Sanberk:** Sure.

**Q79 Mr Hamilton:** I wonder whether in the context of negotiations within the European Union of Turkey's membership, Turkey itself would be willing to drop that as a prerequisite for settlement.

**Mr Sanberk:** Of course, I do not speak for Turkey, but my personal view is that I do not believe that it is a way forward. What is the way forward? I think the answer is contained in the Annan Plan which was unfortunately rejected—there was this concept of virgin birth which was rejected by our Greek Cypriot friends. What we can do in the future I do not know because it was foreseeable that when the Greek Cypriots were admitted to the European Union before the solution of the problem, such difficulties were going to arise, and now we are facing the challenge. I am confident that the European Union has ways of avoiding competing situations actually and I must say that the European Union avoided the

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Treaty of Guarantee. Somehow, therefore, a way is going to be found not to hamper Turkey's negotiations, if and when the negotiations start with the European Union.

**Mr Hamilton:** Thank you very much.

**Q80 Chairman:** Mr Sanberk, one question before I turn to Mr Mackay: equally, Turkey does not recognise the Government of the Republic of Cyprus. It is very probable that as from December Turkey will be in negotiations with 25 members of the European Union; do you foresee any technical difficulties in Turkey negotiating with the European Union, one of whose members it does not officially recognise?

**Mr Sanberk:** First of all, I believe that the call for recognition of the Republic of Cyprus is irrelevant under present conditions because Turkey has expressed its readiness to recognise the new partnership state which was going to emerge as a result of the negotiations between the two sides under the comprehensive settlement plan of the United Nations, but this plan is rejected. Again, my answer to you would be the same as my answer to Mr Hamilton, I trust that the European Union will find ways; the European Union has the experience I would think of intractable situations and I hope that we will sort this out but, if not, they will have a real problem. This problem was foreseen when the European Union applied this one-sided conditionality in the absence of a level playing field.

**Chairman:** Thank you.

**Q81 Mr Mackay:** Can I just explore a bit further with you how the Annan Plan might have been saved and the referendum won. Clearly, that was dependent upon the Greek Cypriots voting differently in the majority than the way they did. It is clear that the Greek Cypriots were very worried about the security situation and the phasing of troop withdrawals within the Plan. Do you feel that the Turkish Cypriots and Turkey might be more accommodating in this respect?

**Mr Sanberk:** I do not think so, because the Annan Plan was based on a very fragile balance and it was very, very difficult to arrive at this conclusive stage. It was finalised painstakingly with huge efforts from all parties, including the United Nations and the European Union and both sides. The failure of the Annan Plan, in my opinion, is the lack of the political will of the Greek Cypriot leadership, they did not speak up for the Annan Plan and I remember that Commissioner Verheugen was not allowed to speak for the Annan Plan before the referendum, I think before the 24th.

**Q82 Mr Mackay:** If I could just take you to Bürgenstock in March of this year, it was the fresh proposals that were put on the table and insisted upon by Turkey and Turkish Cypriots which led to the final version of the Plan. That seemed to be its undoing with the Greek Cypriots—we are talking about the continuation of the Treaty of Guarantee and a very large number of Turkish troops remaining on the island, being phased out only very

gradually, at a time when one knows Greek troops have withdrawn from the island. I can understand why it was proposed but it was also very provocative and also ensured a Greek “no” vote, which is why you and I are now here, because there is an impasse.

**Mr Sanberk:** I do not think so. Of course, I was not in Bürgenstock and it is very difficult for me to speak on it, but the main reason in my opinion was the lack of political will in the Greek Cypriot side to push the case with the rest of the Greek Cypriot population. Again, I have confidence in this matter in one third of the Greek Cypriots because they expressed their willingness to share their destiny with the Turkish Cypriots, but they are only a few and the majority, unfortunately, do not see their future with the Turkish Cypriots. One thing which is very worrying for me is the high percentage of the youth, young Greek Cypriots—I think about 96% of the Greek Cypriot young population according to some polls expressed negatively, they do not share their future with the Turks. This is something which should be addressed. I think these are the real issues.

**Q83 Mr Mackay:** 96% of young people were against the Plan.

**Mr Sanberk:** Of the Greek Cypriot young population.

**Mr Mackay:** That is very interesting. We will pursue that, I hope, next week when, as you know, we are visiting the island. Thank you.

**Q84 Chairman:** Under the last-minute proposals there would still be Turkish troops indefinitely on the island, reducing to 650 by the year 2019. Is it your judgment that this was a red rag to the bull, that this was highly provocative to the Greek Cypriot population, the continued position of Turkish troop on the island?

**Mr Sanberk:** Again, this is an irrelevant question, with all due respect, because the answer is contained in the Annan Plan; Turkey has expressed its readiness to withdraw its forces, together with the withdrawal of Greek forces and Greek Cypriot forces, according to a timetable as foreseen in the Plan. But this Plan is rejected so now I think we are back to square one and we all have to sort out this problem; it is a real problem.

**Q85 Mr Maples:** One of the things Lord Hannay suggested was that with the opening of the Green Line the political parties on either side should start to talk to each other; at least maybe that would allay some of their suspicions, and of course we all think that is a good thing. Do you think that that is possible? Does it need a facilitator or will it happen by itself? I would have thought there was a danger that if a Greek Cypriot political party talked to a Turkish Cypriot political party, then its opponents in the southern part of Cyprus would say “They are getting ready to sell out to the Turks”, Mr Papadopoulos would make that an election issue, and maybe the same in the as well. Do you think it needs some sort of neutral facilitator to get them talking to each other, or do you think they will do it by themselves?

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**Mr Sanberk:** Facilitators are always useful if they are real facilitators, if they are even-handed and impartial, but I think that the Turkish Cypriots by unilateral decision, as you recall, opened the borders before the referenda and in the face of the negotiations. I think it was a very intelligent and good initiative because it has shown a political will which was shared by the Turkish Cypriots, it was not only a decision belonging to the Turkish Cypriot leadership, it was a decision which was met with enthusiasm by the Turkish Cypriots. It was reciprocated a great deal by the visits, but today again there is something which is disturbing, and I am going to refer to the EU Council regulations defining the terms under which the Turkish Cypriots' trucks and taxis can travel to the south. I think there is a problem there, Turkish trucks carrying Turkish goods and taxis are not allowed. It has an indirect relation to your question, but it also shows reciprocation of the goodwill is not assured.

**Q86 Mr Maples:** Are the political parties actually talking to each other at the moment?

**Mr Sanberk:** I do not know. I think some groups talk to each other and some groups do not; how we can open the new channels of communication is a good question and I am sure each of us can play a role there.

**Q87 Mr Maples:** In trying to get more cross-border activity do you think cross-border trade is an absolutely crucial ingredient in that, or do you think just social contact is sufficient?

**Mr Sanberk:** I think social contact and also the cross-border trade, but without hindrance. There needs to be cross-border free trade and also direct trade with the rest of the world.

**Q88 Mr Maples:** Do you think that the rejection of the Annan Plan implies, at least on the part of the Greek Cypriot President, that he is looking for a completely different kind of agreement? Do you think it is a rejection of bi-zonality as a concept? He is on record, I think, as saying that he would prefer a solution in which minority rights as citizens were guaranteed to Turkish Cypriots but not in a bi-zonal state; do you think that that is the position that he is still seeking to achieve, or do you think it was details of the Annan Plan that he did not like?

**Mr Sanberk:** You mean the Greek Cypriot leadership?

**Q89 Mr Maples:** Mr Papadopoulos.

**Mr Sanberk:** Again, it is very difficult for me to interpret his views, but I personally believe that he is against the major parameters of the Annan Plan because he made a statement, as we all recall, either on 23 April or sometime just before the referendum and he said "I have assumed a state but I cannot have a community afterwards", so he was against the Annan Plan.

**Q90 Mr Maples:** Because?

**Mr Sanberk:** Because of the basic thrust which lies behind the Annan Plan.

**Q91 Mr Maples:** Let me ask you one more thing: it looks as though in December negotiations between the European Union and Turkey will start up, and most members of the European Union now want that to happen and want it to be brought to a successful conclusion. It may take a long time, but nevertheless the process will start. How do you think that is going to affect the Cyprus problem? I do not mean this winter, but as the negotiations progress do you think it is conceivable that Turkey will join the European Union without the Cyprus problem being solved? If your answer to that is that it cannot—which I suspect it would be—does that mean that the European Union has got to find a solution to the Cyprus problem, or does it effectively hand the veto on Turkish membership to the Greek Cypriot government and give them negotiating leverage over the Turkish Cypriot Government?

**Mr Sanberk:** First of all, I do not believe that it is possible for Turkey to join the European Union without a solution to the Cyprus problem and I do not believe it is desirable because it relates to the stability of the whole Eastern Mediterranean and also our relations with our Greek friends in Athens. So it is going to be solved, I trust it is going to be solved. You mentioned the Turkish accession process, which is a very important process indeed because it will help all parties to see the equation in a different light, in a more positive light, because then we will have a perspective of the future under the same umbrella as some sort of a balance between the two communities on the island and their respective Motherlands. This is something that is very important. From that I would like to come to the strategic argument which, in my opinion, is crucial; one of the reasons why we are facing now this deadlock in Cyprus is the fact that the balance which was struck by the Lausanne Treaty and which was reconfirmed by the 1960 London and Zurich Treaties, was upset by the unilateral admission of the Greek Cypriots, and even when Turkey will be under the same umbrella like Greece, then of course there will be Turkish Cypriots and Greek Cypriots and this balance will be re-established in the Eastern Mediterranean and, definitely, it will help a lot to the solution of the problem. This is something which is so very important that I do not how to re-stress it.

**Q92 Mr Maples:** If I could just take it a little bit further, if the settlement is going to have to be agreed by the Greek Cypriots and the Turkish Cypriots how do the negotiations between Turkey and the European Union start to either encourage or put pressure on both of those people to solve it? It could, it seems to me, have the opposite effect and give them each an incentive to hold out for a better deal because there is a bigger game being played above this. You seem to think that it will bring pressure on both of them to reach a settlement, encourage both of them to reach a settlement. I am not sure how that force on, say, Mr Papadopoulos and Mr Talat would work.

**Mr Sanberk:** Not only pressure but most of all the interest would lead them to be more conciliatory, if I may say so, because the enlightened self-interest of

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all parties will lie in finding a solution. I think the compromise is something different than the concession; compromise has an element of the future, prepare the future together. Concession is an offending word, it involves lots of nationalism and jingoism, whatever you can imagine, but compromise is very important and it lies at the bottom of the European Union. I think that when the Turkish Cypriots said yes to the Annan Plan it was an expression of a compromise; the Turkish Cypriots are not European Union members, but our Greek Cypriot friends who are members of the European Union acted as a non-European Union member, so this is something which is also very important.

**Q93 Sir John Stanley:** Mr Sanberk, I think you were in the room when Lord Hannay said to me that he considered the UN was going to be indispensable in facilitating and certainly in endorsing a final settlement of the Cyprus problem. Do you take that view yourself, or do you think that a settlement could actually be achieved without UN involvement?

**Mr Sanberk:** I think the UN is very important and, definitely, the involvement of the UN will be inescapable and it is a good thing. The only thing of course, let us not forget first of all that it is inescapable that Cyprus is a standing item on the United Nations Security Council agenda, so the United Nations has to deal with it. The next step must be the endorsement of the United Nations Security Council of the Annan Plan; this is something which is still pending.

**Q94 Sir John Stanley:** If that endorsement is forthcoming, do you see any early role for the United Nations in trying to get the negotiations restarted, or do you think it is some years away?

**Mr Sanberk:** It is very difficult to be a fortune teller; I do not believe that in the months ahead of us it is going to happen, but again I am going to refer to our Greek friends. If our Greek Cypriot friends show the will and the capacity to share their future with the Turks on the island and they make it clear to the rest of the world, then we are all going to be heartened and the United Nations will take the lead in taking up this issue, because no one is ready to start something which is going to be doomed to failure. So the signals coming from the Greek Cypriots are crucial.

**Q95 Sir John Stanley:** Do you think the European Union would be well-advised to stay out of this negotiation of the Cypriot settlement and leave it entirely to the UN, or do you think the European Union should play some role here?

**Mr Sanberk:** I think both have a role to play; it is impossible for the European Union to be out of the equation because first of all the Greek Cypriots are members of the European Union and Greece is a member of the European Union and Turkey will hopefully start the negotiation process. These elements can be usefully put in the service of the

compromise altogether, if we work constructively and positively with goodwill on each side to reach a compromise.

**Q96 Sir John Stanley:** Do you feel there is any danger that the European Union would be seen to be not wholly impartial, given the fact that the Greek Cypriot element is an European Union member state whereas Turkey is not?

**Mr Sanberk:** Definitely that is going to be the case, but it is a little bit up to the European Union. At the moment, when you look at the situation from outside, you see that the European Union holds part of its population under blockades and under siege, so the European Union is unable to sort out this problem and has no currency at the level of many people in both North Cyprus and in Turkey. So definitely this is the reason why the European Union is very important. Whether the European Union will show the capacity and the wisdom to be even-handed and sort out the difficulty that it faces at the moment, I do not know, but—and this is my personal opinion of course—I do not believe that a solution is possible without the European Union and also the United Nations.

**Q97 Sir John Stanley:** This Committee has particular responsibility for and its primary focus is the foreign policy of the British Government. Would you like to give us your views as to the role that the British Government should be playing to try to produce a settlement?

**Mr Sanberk:** The British Government is, of course, a United Nations Security Council member and Britain is a Guarantor power. Of all the European Union members and countries, Britain is about the best-placed country to know the intricacies of the Cyprus problem. For the British Government to be successful I think there is one condition, to be even-handed to both sides and stop pretending Turkish Cypriots, the Turkish Cypriot Government, the Turkish Cypriot state do not exist. There is a factual situation there and if the British Government shows the capacity to recognise the existence of the two peoples on the island with equal rights and equal status, then all British Governments can play a very positive and effective role.

**Chairman:** Mr Mackinlay, please.

**Q98 Andrew Mackinlay:** Can I just apologise for not being here throughout your evidence session; no discourtesy was intended, I was unavoidably detained, but I shall read what you said. There are one or two things that I would like to pick up upon. You heard me asking Lord Hannay earlier about the nature of the Turkish community, and it does seem to me legitimate for us in the international community to examine that. Do you know really what the breakdown would be of people who are either children of or were Turkish citizens before the invasion? Do you not think that if there was to be any settlement, any negotiations, whilst the people who have moved there from the mainland in recent years should not have their interests dismissed, they

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are a separate category which either should be represented or counted in a different way? I would like to bounce that off you if I may.

**Mr Sanberk:** First of all, let me just refer to the “invasion” which, of course is misleading and is local to its political past. I am not going to enter into why Turkey made the entry, we all know. I think Turkish Cypriots need to be treated equally; that means recognising the Turkish Republic of Northern Cyprus as a state with all the competencies of a state. So from a Turkish outlook they believe that the Turkish Cypriots are entitled to at least grant citizenship to any other people who are of Turkish origin, coming from Turkey, so this is something which we believe is irrelevant, to challenge the authority of the Turkish Republic because we also know that the Greek Cypriot government grants citizenship to people coming from the Black Sea region, from Australia and elsewhere without asking the Turkish side. So I think, again, this is a serious problem and to present a plan such as the Annan Plan which also stipulates and has some disposition to sort out this—unfortunately, the Plan was rejected and we start back to talk about the same questions as we were talking about for the last 20 or 40 years.

**Q99 Andrew Mackinlay:** The settlement of Cyprus is a matter for the people of Cyprus, but European Union citizenship is my business, is it not? Basically, the people who have come from Turkey in recent years, you are inviting those of us in the European Union to accept them into European citizenship unilaterally; why should we accept them as European Union citizens when they are not citizens of the de jure Government of Cyprus?

**Mr Sanberk:** They are not citizens of the European Union as I understand, they are citizens of the TRNC which is not a member of the European Union.

**Q100 Andrew Mackinlay:** No, but if you were to say they should have a say in the settlement, which has of course been advanced because apparently they voted overwhelmingly, then if there is a settlement they immediately become members of the European Union.

**Mr Sanberk:** Definitely, this is the reason why the solution of the Cyprus problem is so urgent, because the more we delay this solution, the more we will face the problems that you rightly put forward.

**Q101 Andrew Mackinlay:** The failure to reach agreement—and I do not want to go into the rights and wrongs of this—is lack of trust.

**Mr Sanberk:** Yes.

**Q102 Andrew Mackinlay:** How do we know that the people who have long lived in Cyprus, the Turkish people, actually overwhelmingly endorse the Annan Plan? We do not know that, do we?

**Mr Sanberk:** I think the best arguments are the facts, and when we look at the percentages we see this situation.

**Q103 Andrew Mackinlay:** The other area I want to go to—and I do not know if you have got a way forward on this—is the idea of opening up the ports and airports of northern Cyprus. I assume that you would want to encourage that and welcome it, but is there not really a practical element to that? How are you going to persuade the Government of Cyprus to agree to that?

**Mr Sanberk:** You mean the opening of the airspace?

**Q104 Andrew Mackinlay:** Yes, direct flights and then also there is the question of the sea ports, there is an issue of sovereignty there, is there not?

**Mr Sanberk:** Yes.

**Q105 Andrew Mackinlay:** It seems to me that rightly or wrongly—and I think Lord Hannay endorsed my view—that in law, certainly in European law, the Cypriot Government and probably others, the Greek Government, would have a right of veto on what we understand is the British foreign policy of trying to open up trade access and pretend, in a way, that there is not division.

**Mr Sanberk:** Yes. In my opinion it is enlightened self-interest for the Greek Cypriots to create an atmosphere, an environment, of rapprochement instead of hostility. I do not see why our Greek Cypriot friends still insist in keeping the Turkish Cypriots under siege and isolation; direct trade recognised for the North and direct transport will reduce the tension on the island and will encourage the Turkish Cypriots to feel themselves more in confidence, they will look forward to the future and the rapprochement will take place. But if we continue in the policy of besieging, blockading, isolation, I think the partition is going to be solidified and the status quo is going to be solidified.

**Andrew Mackinlay:** Thank you very much.

**Q106 Chairman:** Thank you. Mr Sanberk, one of the more positive elements which has come out of the discussions this afternoon has been the urge to have more contact between the peoples of the North and South.

**Mr Sanberk:** Yes.

**Q107 Chairman:** Mr Mackinlay spoke of the question of trust a little earlier. I know for example of the Friends of Cyprus who, both within London in the Greek Cypriot and Turkish Cypriot community and also across the divide on the island, seek to bring people together; do you know of any other initiatives which are relevant in this context?

**Mr Sanberk:** I do not know, but I believe that there is a lot of desire and enthusiasm at the level of many Turkish Cypriots to be more in contact and share thoughts with their Greek Cypriot co-islanders. I hope it can be reciprocated and, again, I am also for these contacts, both in London and on the island and elsewhere. I think Britain can play a role in this particular initiative.

**Q108 Chairman:** In part because of the two communities here in London?



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**Mr Sanberk:** Yes, in London, and this could be very positive. Again it is my view—it may be shared or not by many people in Turkey, in North Cyprus and elsewhere—that it is a very positive contact for Britain.

**Q109 Chairman:** When you were here as Ambassador were you aware of any initiatives?

**Mr Sanberk:** I must say that when I organised seminars, for instance, in my residence I always invited our Greek Cypriot friends. Some of them attended—a few of them attended as a matter of fact—and my house was always open, but my Greek opposite number did not have in those years the same policy. I am sure today we have a different atmosphere and we should put into the service of the reconciliation this approach of, let us say, magnanimity and also generosity and good will.

**Q110 Chairman:** You mentioned the role of the Greek Government, and one positive change since the time you were Ambassador has been this warming of relations with Greece, first under Mr Papandreou and Mr Simitis and now under Mr Karamanlis and Mr Erdoğan.

**Mr Sanberk:** Yes.

**Q111 Chairman:** Can you comment on that, what role do you see the Greek Government, for example, playing in the problem of Cyprus?

**Mr Sanberk:** I think an enormous role, and let me also salute all the people of vision from both sides, both from Athens and Ankara, to foster this friendship. Again, here, Mr Ioannis Papandreou has played a crucial role with others, and of course Mr Simitis, and now I see Mr Erdogan and Mr Karamanlis, they are on good terms and counterparts, and many people of vision support this reconciliation. I am sure this will be an asset for the European Union as well because a common Turkish-Greek vision in the Eastern Mediterranean will create a synergy, not only in the region but also within the European Union, and to contribute to the success of the enlargement and also the opinion of the European Union.

**Q112 Chairman:** Have you seen any positive effects in respect of Cyprus of them working together?

**Mr Sanberk:** I think so, yes.

**Q113 Chairman:** Which?

**Mr Sanberk:** I think both the Turkish Government and the Greek Government, in Ankara and Athens, were in agreement in supporting the Annan Plan—to my knowledge. I may be wrong, but at least it was important.

**Chairman:** Unless colleagues have any further questions, can I thank you most warmly. I know you have come especially from Istanbul to renew our contact, we are delighted you are here and thank you very much indeed for your contribution. There will now be a short private meeting of the Committee.

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**Tuesday 16 November 2004**

Members present:

Donald Anderson, in the Chair

Mr Fabian Hamilton  
Mr Andrew Mackay  
Andrew Mackinlay  
Mr John Maples

Mr Bill Oler  
Mr Greg Pope  
Sir John Stanley

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**Letter to the Secretary of State for Foreign and Commonwealth Affairs  
from the Chairman of the Committee, 28 April 2004**

I note with interest your written statement to the House of today. My colleagues and I on the Foreign Affairs Committee are grateful for your early action to clarify a number of issues arising from the unfortunate result of last weekend's referendum in the government-controlled areas of Cyprus. We would, however, welcome some further clarification on aspects of your statement.

In your statement, you set out the conclusions of the GAERC on Cyprus. These include an invitation to the Commission to bring forward "comprehensive proposals" to "put an end to the isolation of the Turkish Cypriot community", and a recommendation that the €259 million earmarked for northern Cyprus be used for this purpose.

The Committee would welcome details of the Government's preferred options for ending the isolation of the Turkish Cypriot community and for expenditure of the earmarked funds. We also wish to know what is the Government's policy on the maintenance of sanctions in respect of trade with and travel to northern Cyprus.

I would be grateful to receive a reply to this not later than 17 May.

*Rt Hon Donald Anderson MP*  
Chairman of the Committee

28 April 2004

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**Letter to the Chairman of the Committee from the Secretary of State for  
Foreign and Commonwealth Affairs, 17 May 2004**

Thank you for your letter of 28 April on Cyprus, following my written statement to the House of the same date. (This letter should be read with that statement.) You asked for details of the Government's preferred options for ending the international isolation of the Turkish Cypriots and for expenditure of the earmarked funds, and about the Government's policy on the maintenance of sanctions in respect of travel to and trade with north Cyprus. The Government strongly believe that the Turkish Cypriots, who voted for a peaceful resolution of the Cyprus problem, should not be penalised because the Greek Cypriots rejected the UN's settlement plan. We believe steps should be taken quickly to end the isolation of the Turkish Cypriots.

We would like to see a flourishing of direct people-to-people contacts between north Cyprus and the outside world. We hope the tourist sector will grow and give a boost to the Turkish Cypriot economy. We would like rules to be established to govern trade between the north of the island and the EU. We will continue to have political-level contacts with leading Turkish Cypriot politicians.

Our approach towards this activity with north Cyprus will be governed by two principles. We will continue to work for the objective of reuniting the island as a bi-zonal, bi-communal federation. And we shall not recognise the north of Cyprus as a separate, independent state.

As far as trade is concerned, which is a matter of exclusive Community competence, we are waiting for the Commission to bring a proposal to the Council. In the Government's view, the Turkish Cypriots should be able to trade directly with the EU, importing and exporting through ports in north Cyprus. This will mean putting in place measures to permit duty free imports of all goods wholly obtained or substantially manufactured in the north (provided that they satisfy the necessary EU checks and requirements). There would, of course, be a requirement that the goods entered via recognised border inspection posts, which could carry out the necessary checks.

The regulation agreed by the EU on 28 April to govern the Green Line in Cyprus (including trade between the north and the south) provides a model on which to base a new trading regime. That regulation established special rules concerning the crossing of goods, services and persons, in order to take account of the fact that the government of the Republic of Cyprus does not exercise effective control in the whole of

the island. It struck a balance between the need to establish a clear legal framework and to facilitate trade and other links between the two parts of the island, while safeguarding public and animal health within the single market. A new regime to allow direct trade with the north would need to strike the same balance.

We also await suggestions from the Commission for spending the €259 million structural funds earmarked for helping the north “catch up” with the EU *acquis*. We imagine the Commission will identify a mix of projects—improving infrastructure, raising environmental standards, training, legislation harmonisation—to this end. This investment, together with screening and peer reviews, should help the Turkish Cypriots prepare for future inclusion of the north in the single market. All this is consistent with, indeed necessary for, the ultimate objective of reuniting the island. I will pass you the Commission’s detailed proposals as soon as we know them.

We welcome the declared intention of the Cyprus government to work with their EU partners to ensure that Turkish Cypriots enjoy, in so far as is possible, the benefits of Cyprus’ EU membership. Harmonisation—whether in business and trade, or people to people links between the north and south—can only improve future prospects of a settlement.

The political landscape in Cyprus changed as a result of the 24 April referendums, and again on 1 May. We need to move on from talk of recognition and sanctions. Until the day when we can finally see a reunited Cyprus within the EU, we must do everything we can to ensure that all Cypriots are able to enjoy the benefits and responsibilities that membership brings.

*Rt Hon Jack Straw MP*  
Secretary of State for Foreign and Commonwealth Affairs

17 May 2004

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### Written evidence submitted by the Foreign and Commonwealth Office

#### INTRODUCTION

1. The Greek Cypriot rejection of the United Nations Secretary-General’s (UNSG’s) Plan in the 24 April referendum was a setback to efforts to find a Cyprus settlement. Reunification, however, remains the Government’s objective on Cyprus and the Annan Plan still offers the best prospect for a comprehensive settlement. We continue to believe that the UN is the only realistic broker of a settlement, and we offer the Secretary-General our full support. In line with the agreed policy of the European Union, the Government is pressing to put an end to the isolation of Turkish Cypriots following their historic acceptance of reunification, but there will be no change to our policy of non-recognition of the “Turkish Republic of Northern Cyprus” (“TRNC”). Turkey’s leaders and the Turkish Cypriot people demonstrated political courage and vision in supporting the UN Secretary-General’s (UNSG’s) proposals. We share the UN Secretary-General’s hope that the Greek Cypriots will reflect on the outcome of the process and demonstrate their commitment to a bi-zonal, bi-communal solution.

#### THE 24 APRIL REFERENDUMS

2. The Annan Plan was substantively revised four times after its initial appearance in November 2002 and on each occasion had been altered to try to meet the core concerns of each side without alienating either. The trade-offs in the Plan are based on the UN’s assessment of the expressed positions of the parties over several years. The Plan put to the vote on 24 April was a comprehensive and carefully balanced settlement proposal, ready to be implemented. It was deemed workable, functional and financially sound by the European Commission and the International Monetary Fund. The Government of Turkey and the elected leader of the Turkish Cypriots, Mr Talat (though not Mr Denktash), publicly embraced the final version of the plan and urged its approval. The Greek Prime Minister, Costas Karamanlis, stated that the positive elements of the Annan Plan were greater than the negative ones when judged within an EU context, while also making it clear that it was for the Cypriots themselves to decide. But President Papadopoulos came out strongly against the plan, as did his coalition allies, AKEL. The fifth and final version of the Annan plan was submitted to separate and simultaneous referendums on both sides of the island on 24 April of this year. The Turkish Cypriots approved the plan (64.9% voted “yes”) whereas the Greek Cypriots rejected it (75.8% said “no”), meaning that the plan did not come into effect and a divided island joined the EU a week later. Although the referendum result in the south means that the Annan Plan is legally null and void, the bi-zonal, bi-communal, federal principles which underpin it, and which have guided efforts towards a settlement since the 1970s, remain valid. We continue to believe that the Annan plan offers the best prospect for a fair, just and viable future for the island. We see no other realistic prospect for a settlement.

3. The Greek Cypriots rejected the plan by a ratio of three to one. Many felt that the final version of the Plan put to referendum was not a fair compromise, arguing that it was unfairly balanced to favour the Turkish side. Some Greek Cypriots felt a sense of injustice at certain provisions contained within the plan, particularly the reduction of Turkish troop numbers to the level provided for in the international Treaty of Alliance—650 troops—rather than complete withdrawal. They also objected to the preservation and

extension of the Guarantor Powers' security guarantee, which would now cover the territorial integrity, security and constitutional order of the constituent states of the United Cyprus Republic, as well as of the federal state. Greek Cypriots may also have responded to their President's assertion that they would be able to negotiate a better deal after Cyprus' accession to the EU.

4. Opinion polls indicate, however, that the overarching reason for the Greek Cypriot rejection of the UN plan was a feeling of insecurity. Greek Cypriots did not trust Turkey to comply with its obligations under the UN Plan. There was also a perception that Turkey and the Turkish Cypriots would receive their side of the bargain immediately, while the Greek Cypriots received in exchange "the groundless illusion that Turkey will keep her promises"<sup>3</sup>. And Greek Cypriots, being comfortably off, did not want to embrace a settlement that they feared might lead them to subsidise the north and reduce their living standards. It is worrying for the prospects for a settlement that many of these fears are not specific to the terms of the Annan Plan. Any conceivable solution would require Turkey to hand back land, reduce troop levels and comply with a series of other complex obligations; would require the Greek Cypriots to trust the Turkish side to deliver; and would require a degree of economic adjustment. All these would take time. It is disappointing that the circumstances in April—a 9,000 page treaty setting out Turkey's obligations in detail, and UN Security Council and EU backing and supervision of implementation—were not sufficient. Nonetheless, the Government stands ready to do what it can to address the security concerns of Greek Cypriots once these have been articulated with clarity and finality, as requested by the UN Secretary General in his report to the Security Council in May. It is unfortunate that our efforts to provide reassurance to Greek Cypriots on security and implementation prior to the referenda, via a strongly worded Security Council resolution, were unsuccessful. The draft resolution, jointly sponsored by the UK and the US, received almost unanimous support in the Council, but was opposed by the Greek Cypriot side and vetoed by Russia.

5. Greek Cypriot leaders have emphasised that Greek Cypriots rejected the Plan put to referendum, rather than the fundamental principles of a bi-zonal, bi-communal state. If that is the case, the Greek Cypriot side might, in time, come to see a settlement not too dissimilar to the version put to referendum as being in their interests.

6. The Turkish Cypriots approved the Annan Plan by a ratio of two to one. They did so despite the difficulties of dislocation and resettlement that would have been caused by the uprooting of around one-third (50,000) of Turkish Cypriots under the Annan Plan. The vote indicated the willingness of Turkish Cypriots to put aside lingering security concerns in order to grasp the opportunity to become an equal partner with Greek Cypriots in a new United Cyprus Republic. Importantly, it demonstrated that the majority did not back Denktash's policy of seeking recognition for the "TRNC". An end to international isolation and the prospect of the economic, social and political benefits of EU membership were important motivating factors behind the "yes" vote.

7. The Secretary-General reported comprehensively on his mission of Good Offices in May of this year. We share his judgements on his unprecedented peacemaking effort on Cyprus, and in particular the conclusion that for Cypriots "The prospects for the reunification of their country now rest primarily in their hands." We agree that the Turkish Cypriot "yes" vote has undone any rationale for pressuring and isolating them. We also agree with his call that the international community should "co-operate both bilaterally and in international bodies to eliminate unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development".

#### EFFECT ON THE NORTH

8. The outcome of the 24 April referendums was a bitter disappointment for the majority of Turkish Cypriots. They remain economically and politically isolated, with no voice in the EU or other international fora. But we believe that the political landscape in Cyprus has changed as a result of the 24 April referendums and again on 1 May. The "yes" vote in the north proved that the majority denounced the rejectionism of Denktash (as described in the UN Secretary-General's report of 1 April 2003) and desired reunification of the island in a bi-zonal, bi-communal federation. The international community has a new responsibility towards the Turkish Cypriots. The Government and the EU are seeking ways to put an end to the economic isolation of the Turkish Cypriots, as agreed by EU Foreign Ministers in April at the General Affairs and External Relations Council. Until a reunited Cyprus is within the EU, we should do all we can to ensure that all Cypriots are able to enjoy the benefits (and responsibilities) of membership. We share the UNSG's view that efforts to end the isolation of Turkish Cypriots are not aimed at affording recognition or assisting secession but at encouraging Turkish Cypriots, and Turkey, to remain committed to the goal of reunification.

9. Our stance on de-isolating the north is consistent with our goal of a united Cyprus within the EU. It is also an integral part of our long-term effort to facilitate a Cyprus settlement. The income disparity between north and south creates fears on both sides which are injurious to the prospects for a solution: on the Greek Cypriot side, many fear that the costs of a settlement will fall mainly to the Greek Cypriot taxpayer and that their wealth will be sapped by their poorer Turkish Cypriot compatriots; on the Turkish side, it is because they fear economic domination by the Greek Cypriots. If these fears are to be dealt with and a settlement

<sup>3</sup> President Papadopoulos, 7 April 2004, in a televised address (trans).

achieved, the prosperity gap on the island must be reduced. Furthermore, the length of time necessary to align the north with the EU acquis heightened Greek Cypriot concerns that the settlement would not be carried out. To improve future prospects of a settlement, the EU should work to reduce the economic disparity between the north and south of the island and to bring the north into line with EU norms and standards.

#### DE-ISOLATING THE NORTH: THE MECHANICS

10. The European Commission produced proposals on 7 July in response to the EU Foreign Ministers' April invitation to "bring forward comprehensive proposals with particular emphasis on the economic integration of the island and on improving contact between the two communities and the EU". These proposals envisage the disbursement of 259 million euros of aid to the north and direct trade with EU member states on a tariff quota system. The proposals remain under discussion. We wish to see fully effective regulations on trade and aid implemented as soon as possible. This is in accordance with the political agreement among EU Foreign Ministers of 26 April to end the isolation of the Turkish Cypriots. In the meantime, the Green Line Regulation, also agreed by Foreign Ministers in April, which allows for trade between the north and south of the island, has come into effect. This is welcome, but is unlikely on its own to give a significant boost to the Turkish Cypriot economy. We understand that during the first 10 days' operation of the Green Line Regulation, total trade amounted to less than £3,000.

#### DIRECT TRANSPORT LINKS

11. In order to reduce the economic divide, the Government wishes to see direct air and maritime links with the north of Cyprus. We are currently examining the feasibility of direct flights, which would have a significant effect on ending the isolation of the north of Cyprus. An economy whose chief asset is its tourism potential must be able to attract tourists. We will continue to work with our international partners to promote the EU's goal of ending the isolation of the Turkish Cypriots, including by better transport links of all kinds. If direct flights did commence between northern Cyprus and the UK, then the airport in northern Cyprus would, of course, have to meet the appropriate standards in safety and security.

#### UK'S RELATIONSHIP WITH THE NORTH

12. Despite the shift in the political landscape described above, the legal relationship of the UK with the north of Cyprus has not altered. The Government's long-standing position has been that there is no question of recognising the "TRNC" as an independent state. That remains our policy, and was underlined in the Foreign Secretary's written statement in Parliament on 28 April. Furthermore, this policy is reinforced by the terms of Cyprus' accession to the EU, which define Cyprus in a way that makes it impossible for any member state to recognise the 'TRNC'. In view of this, there is no reason for any action of HMG, such as office calls by our High Commissioner in Nicosia on leading figures in the Turkish Cypriot community, to be interpreted as an implicit act of recognition. It is right and necessary for British officials to work closely with the authorities in the north. We will continue to work to ensure that northern Cyprus is moving into line with the EU acquis. It is in the interests of the UK that the whole of Cyprus operates effectively and to the common standard of the EU. This is especially the case with greater freedom of movement between the north and south of the island and a Green Line Regulation enabling intra-island trade. There are many issues on which the Government must work with the authorities in the north of Cyprus, not least as a result of the fact that part of the Eastern Sovereign Base Area border is contiguous with the north. To ensure effective functioning of this border we need to work with the authorities in the north. There are many other issues of national interest (eg Justice- and Home Affairs-related issues) on which it is important to maintain a close working relationship.

#### IMPLICATIONS FOR THE EU'S RELATIONSHIP WITH TURKEY

13. A solution to the Cyprus problem is not part of the Copenhagen political criteria against which EU Member States will assess whether Turkey is ready to open accession negotiations. Nonetheless, Turkey's recent movement towards a pro-settlement policy on Cyprus is of broader political significance. It is important to consider just how far the position of the Government of Turkey has moved. Traditionally, the Turkish view has been that the Cyprus Problem was solved in 1974 by means of the military intervention. Consequently, Turkey backed Mr Denktash's rejection of the second Annan Plan at the Copenhagen European Council in 2002 and his rejection of the third Annan Plan at The Hague in March 2003. However, a major rethink of Cyprus policy subsequently took place, enabling the Turkish government to welcome the fifth version of the Annan Plan on 31 March of this year and back Mr Talat in declaring it a good deal for Turkey and the Turkish Cypriots. We welcome the leadership shown by the Turkish Government on this historically difficult issue, and note that it has shown a similar commitment to European values on Cyprus as it has in its EU-related internal reforms. We believe that the Turkish position on Cyprus should influence positively the decision the EU will take in December on whether to open accession negotiations with Turkey.

#### ROLE OF THE UK IN SETTLEMENT NEGOTIATIONS

14. As a Guarantor Power and signatory of the 1960 Treaties, the British Government has always had a direct, though limited role to play in the search for a Cyprus settlement. The UK has also viewed the Cyprus problem through the prism of the EU, as a Member State, and the UN, as a Permanent Member of the Security Council. But the overall objective of UK foreign policy has been to support any settlement which both sides would find acceptable, bringing peace and stability to the wider region (and now the heart of the EU), and that objective has not changed.

15. We also have strong bilateral reasons for supporting efforts to find a settlement. The UK has close ties with Cyprus, not just based on shared history, co-operation on the Sovereign Base Areas, and extensive people-to-people contacts, but also a shared outlook on vital EU business, such as economic reform. We wish to see Cyprus play its full part in the life of the Union, which requires a settlement to the political problem.

16. The UN has unparalleled experience of peacemaking, considerable on-island knowledge owing to the UNFICYP operation and, despite the 24 April referendum results, remains the only realistic mediator for Cyprus negotiations in the short to medium term. Therefore, the best way for the UK to achieve our objective of a Cyprus settlement is to give the UN our utmost support, publicly and privately, and we shall continue to do this.

17. The UK materially signalled its commitment to the UN's efforts by offering approximately one half of the territory of our Sovereign Base Areas on Cyprus to the UN for re-allocation to the Greek and Turkish constituent states as part of an Annan Plan-based settlement. The offer was and is inextricably linked with the Annan Plan and is only valid as part of that settlement model.

18. We are fortunate to have been able to rely on the expertise of our former Special Representative for Cyprus, Lord Hannay of Chiswick, during the period 1996–2003 during which time a great deal of progress was made towards finding a settlement. Even though the Government currently has no Special Representative, our interest in and our commitment to a Cyprus settlement remains undiminished.

#### THE FUTURE OF THE CYPRUS PROBLEM

19. We regret the missed opportunity on 24 April. But, despite the fact that the Annan Plan is now legally null and void, the proposals remain a carefully crafted model of a bi-zonal, bi-communal federation as advocated for many years by both sides. The Greek Cypriot side, which rejected the Plan, still asserts that it remains the basis for settlement negotiations, while the Turkish Cypriots have accepted it *in toto*. We do not wish to prejudge how, or whether, the UN might wish to approach this situation in the future, or how the positions of the two sides might alter. But in the absence of any serious alternatives, it is clear that the Annan Plan still constitutes the only realistic prospect for a mutually acceptable settlement.

20. We welcome in principle any measures which increase the climate of trust between the two communities on Cyprus, although confidence-building measures are not in themselves a substitute for a comprehensive Cyprus settlement. In this context, any steps taken now to reduce existing troop levels by either side would be welcome.

21. We must not neglect the positive elements of the current situation on Cyprus. The continuing development of ties across the Green Line since the relaxation of restrictions in April 2003 shows that the basis for reunification exists. Recent progress towards the resolution of long-standing humanitarian issues—the missing, the Greek Cypriot enclaved and the Maronites—is encouraging. Post-accession, the EU's desire for a normalisation of the situation on the island has strengthened. The ever-growing rapprochement between Greece and Turkey provides a fertile backdrop for any future efforts, and the motherlands also played a constructive part in the actual settlement process. The massive vote for reconciliation in the north and the emergence of a pro-settlement leadership there marks a historic shift.

22. A Cyprus settlement is still therefore possible and desirable. As we have said since April, now is a time for calm reflection on recent events. The Greek Cypriots in particular need to consider whether the choice they made earlier this year was the right one for them. The EU's focus is now on ending the isolation of the Turkish Cypriots. That goal was given further impetus by the UN Secretary General in his report on his Good Offices Mission. In the meantime, and although we do not expect significant developments any time soon, we remain at the disposal of the United Nations, ready to assist whatever realistic settlement effort might emerge.

*Foreign and Commonwealth Office*

*14 September 2004*

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**Annex to memorandum submitted by the Foreign and Commonwealth Office****VISIT TO CYPRUS BY MINISTER FOR EUROPE**

The Minister for Europe visited Cyprus from 20 to 22 October and had useful exchanges with various interlocutors, including President Papadopoulos, Foreign Minister Iacovou, AKEL leader and President of the House of Representatives Christofias and the Permanent Secretary of the Cypriot Ministry of Foreign Affairs. He also met the elected leader of the Turkish Cypriots Mr Talat, representatives of Turkish Cypriot civil society and officials from the UN force in Cyprus (UNFICYP). The Minister also visited the Green Line and the newly-opened school for Greek Cypriots in Rizokarpaso.

The Cyprus problem was the principal topic of discussion in all official meetings during the visit, although EU business was also discussed with officials from the Government of the Republic of Cyprus.

During his visit, the Minister made clear in public and private meetings the Government's commitment to contributing towards a settlement of the Cyprus Problem. He pointed out to his Greek Cypriot interlocutors that he was in Cyprus to listen to their views on how to move the process forward and he understood that there had been controversy surrounding UK policy on Cyprus since the 24 April referendums. The Minister explained that the Government's desire to put an end to the isolation of Turkish Cypriots by means of introducing financial assistance to and direct trade and transport links with the north was a policy designed to promote reunification. The financial assistance regulation was close to agreement in the EU and with goodwill the trade regulation could be as well. At the same time, he pointed out that the Government was sympathetic to legitimate Greek Cypriot concerns on property and that there was no question of recognition of the north. The Minister also reiterated the Government's view that no new obstacles should be placed in Turkey's accession path at the December European Council.

The Minister's interlocutors from the Government of the Republic of Cyprus raised concerns about measures to end the isolation of the north of Cyprus and the timetable for Turkey's accession course. They also put forth the Greek Cypriot view that dialogue should be resumed between the two sides on the Annan plan, with a view to amending the plan to take account of the basic concerns of the Greek Cypriot side.

The Minister reassured Mr Talat that the UK was still committed to ending the international isolation of the Turkish Cypriots as agreed by EU Foreign Ministers in April and said he looked forward to a normalisation of relations between Ankara and Nicosia. He also raised the issue of Turkish troop numbers in the north of Cyprus. Mr Talat argued that the EU must make good on its commitments to the Turkish Cypriots.

During the visit, the Minister also announced the donation of £27,000 to reinvigorate work on the missing persons in Cyprus. He made clear that the Government strongly supports efforts to make progress on the missing, and has therefore provided £27,000 to fund a missing persons needs-assessment, which we believe is a vital first step in moving the process forward.

**PRESS STATEMENT**

I am very happy to be in Cyprus. I am here to listen, but also to explain our policy. I want to stress at the outset that the UK remains committed to the reunification of Cyprus. It is in everyone's interests to see an end to the island's division as soon as possible. We want to work with the Government of Cyprus towards this goal.

I am aware that our policy on Cyprus since the referendums has caused concern amongst Greek Cypriots. The issue of direct trade is particularly contentious. We believe that the deep economic divide between Greek and Turkish Cypriots makes a solution much more difficult. Now that the Turkish Cypriots have turned the page on the past, we need to help them continue on the road towards Europe and reunification. Doing so will make a solution more likely, easier to consolidate and less costly. This does not mean we ignore legitimate Greek Cypriot concerns on recognition or property rights. On the contrary, we should ensure that everything that the EU does takes account of these concerns. We have reached agreement on financial assistance, with goodwill and dialogue we can do so on trade.

I hope to discuss next steps on the Cyprus problem with President Papadopoulos and Foreign Minister Iacovou, as well as Mr Talat and other Greek and Turkish Cypriots. We understand the concerns that made Greek Cypriots vote 'no' to the UN plan and look forward to seeing Greek Cypriot proposals on moving the process forward. If we believe the proposals are reasonable and have a realistic chance of success, we will encourage the UN Secretary General to re-engage and put all our resources and influence behind finding a solution that is acceptable to all sides.

*20 October 2004*

## PRESS STATEMENT

Speaking in Nicosia, 22 October 2004 Denis MacShane MP, Britain's Minister for Europe said:

"I have had extremely useful and friendly discussions with leaders of the Republic of Cyprus and with leaders of the Turkish community. Cyprus is a valued friend and partner of the United Kingdom in the European Union. We need to work together to promote an open, dynamic and world competitive European Union in which businesses can flourish, workers have well-paid jobs and the EU acts as a force for peace and stability and democracy in the world, and especially in the eastern Mediterranean and its region.

"To that end I expressed Britain's clear view that Turkey should be told in December that all 25 governments of the European Union accept the European Commission's report on Turkey's application for membership and negotiations should begin without delay on Turkey's EU accession. There can be no new conditions, or preconditions. That is the view expressed by the German Foreign Minister, Mr Joschka Fischer, in London on Tuesday and the view expressed by all socialist and centre-left foreign ministers in EU member states meeting in Luxembourg last week.

"Turkey joining the EU will anchor this important, major nation within a framework of EU constitutional treaties and rule of law and abiding by the democratic norms and human rights values of the EU. It will strengthen the role of Europe as a force for stability and progress in the eastern Mediterranean region. It will show the world that a nation predominately of Muslims can join the EU on the basis of secular, lay norms and a clear separation of religion and civil or state functions.

"There is some opposition to Turkey joining from right-wing circles in European politics fuelled by anti-Muslim beliefs. Europe in the 21st century cannot revert to religious politics which polluted, poisoned and devastated European politics in the past. Islamophobia like its twin, anti-Semitism has no place in modern politics.

"I am glad that my talks confirmed the long-standing views expressed by the leaders of the Republic of Cyprus that no-one should be seeking to veto Turkey's application in December. My friends in the Cypriot government expressed the well-known demands for a new approach from Turkey on a number of issues which prevent Cyprus exercising its full sovereign rights as a member of the UN and EU in respect of trade and on other issues.

"The British government understands these concerns just as it understands the concerns of my friends in the Turkish Cypriot community that economic development and normal tourism, trade, and travel is not on offer to them despite their clear vote in April in favour of the UN and EU-backed Annan plan to create a united Cyprus.

"Britain wants to see trade develop in Cyprus on the basis of EU norms which means trade in all directions, in all sectors, 360 degrees around the compass. Trade in the EU and in all the parts of EU member states is open, normal and is no longer controlled by governments or state-linked bodies. 45 million British citizens fly every year on low-cost airlines that land freely in any airport of their choosing in the EU without let or hindrance by governments which under EU legislation are forbidden from preventing such trade. I hope to see flights to all parts of Cyprus on the basis of commercial viability, not political considerations.

"It would greatly help this process if relations between Ankara and Nicosia could be normalised. There is no question of any EU member state recognising the "TRNC". But many of my colleagues who are European ministers are asking the question: When will Ankara and Nicosia move to normalise their relations as is the case between all EU member states and those seeking to join the EU, like the Balkan states and Turkey? And what practical steps are now going to be taken to meet the "determined" wish of the EU Council of Minister of 26 April to 'put an end to the isolation of Turkish Cypriots.'

"My fellow EU ministers are also asking important questions about why it is necessary to maintain tens of thousands of Turkish troops on Cyprus when no legitimate security need either for Turkey or the Turkish community justifies two divisions, if not more, of Turkish soldiers stationed on the soil of an EU Member State. This question has to be answered preferably sooner than later. It is not, I repeat, a pre-condition for the Yes in December. The Cypriot government told me they spend £100 million to pay for its national guard to be stationed opposite the Turkish soldiers. This huge sum of money for a small EU member state could be spent more usefully and help divert spending to economic growth and social investment that would benefit all on the island.

"It is not for me to say when steps will be taken to normalise Ankara-Nicosia relations or move towards the goals set down in UN resolutions calling for a Cyprus without military tension. But the sooner it happens the better. All of Europe would welcome an early resumption of efforts by the two sides to sit down together and resume the search for a settlement on the basis of the Annan plan."

## PRESS STATEMENT

During his visit to Cyprus on 21/22 October, the UK Minister for Europe, Dr Denis MacShane MP announced that the British Government would be contributing US \$50,000 towards the work of the Committee on Missing Persons. The money will be used, in the first instance, to fund preparatory work for the exhumation and identification of remains.

During his visit to Cyprus, Dr MacShane said:



“The tragic issue of missing persons in Cyprus affects both sides and has been unresolved for far too long. There is a real possibility now of a breakthrough. I hope others will follow the British Government’s lead in supporting this work.”

*Note for Editors:*

The Committee on Missing Persons was established 1981. It consists of three members—a Greek Cypriot, a Turkish Cypriot and a Third Member, appointed by the UN Secretary General. After more than four years of inactivity, the Committee resumed its meetings on 30 August 2004. It is now discussing how to carry out the necessary exhumation and identification work throughout Cyprus.

Witnesses: **Mr Denis MacShane**, a Member of the House, Minister of State and **Mr Dominick Chilcott**, Director for Europe, Foreign and Commonwealth Office, examined.

**Q114 Chairman:** Mr MacShane, may I welcome you to the Committee for our inquiry in relation to the way forward on Cyprus. I welcome with you Mr Dominick Chilcott who is the Director for Europe of the Foreign and Commonwealth Office. Minister, as you know, five members of the Committee have but recently returned from Cyprus. The leader then was Mr Maples and I shall be calling on Mr Maples very shortly but, just really to give a platform of introduction, we know that there was a long, long process leading to the Annan Plan and the two referendums in April. We had the Proximity Talks, the face-to-face negotiations and consultations. Would you agree with those who say that the referendums marked the best possibility of uniting the islands since the 1974 Turkish invasion?

**Mr MacShane:** Yes.

**Q115 Chairman:** What about those who argue that, in the past, it had been the Turkish Cypriots with Mr Denktash in the dock of world opinion the main obstacle to progress but, as the former well-known High Commissioner in London Michael Attalides stated and I quote, “The Cyprus Government and the Greek Cypriots have lost the moral high ground and the capital of goodwill accumulated with the international community from repeatedly being the side that has shown political will for solving the Cyprus problem.” How do you respond to Mr Attalides’s statement?

**Mr MacShane:** Firstly, I do not, as a serving Government Minister, like on the whole to comment about fellow European Union governments and I am very nervous when I hear the adjective “moral” in any question to do with politics.

**Q116 Chairman:** Let us call it the high ground.

**Mr MacShane:** All I would note is that, for many years under Annan one, two, and three and previous attempts by secretary-generals to find a comprehensive settlement to the question of Cyprus, there was a widespread perception that Mr Denktash senior was not making every possible effort to contribute to finding a solution but, in April, we saw that 85%<sup>2</sup> of all Greek Cypriots who voted voted against Annan five including all the young members of the community. We are all elected politicians, we count votes as very precious things and, if 85%<sup>2</sup> of the population say “no”, I think we have to listen to that voice and it is with deep regret

that I record that fact. I am not sure that getting into playing games prior to that vote really is helpful. What we are trying to do as a British Government is move the story forward.

**Q117 Chairman:** You will have heard, having read the evidence, that certainly one of our witnesses claims that that decisive vote by the Greek Cypriot community was the result of a failure to prepare that community for the inevitable compromises. How do you respond to that?

**Mr MacShane:** There have been since the beginning of the 1980s numerous proposals on the table. Annan five was the most comprehensive. It did emerge in its final form after the discussions involved Greek and Turkish Cypriots and the Guarantor Powers in Switzerland. It was rejected but I think it is hard to say that all the Greek Cypriot voters suddenly woke up to the issues and the arguments just in the few weeks of April. Many of them, to my experience, in Cyprus itself and amongst different Greek Cypriot communities outside of Cyprus, have been thinking and worrying about this problem for a long time.

**Q118 Chairman:** Does that mean you expected the result?

**Mr MacShane:** I was very disappointed by the result. I do think, if you look at what was in it—the return of property to Greek Cypriots, the evacuation down to just a token 650 soldiers from Turkish troops, a united island exercising its authority as a member of the European Union—there was a lot that, certainly in my experience in considering the Cyprus problems and visiting there for nearly 30 years, was very, very positive. It is difficult to think of a better deal that could have been agreed by all the different parties involved and then put to the vote of the people.

**Q119 Chairman:** Do you expect an Annan six shortly?

**Mr MacShane:** An Annan five-and-a-half/Annan six, no. I think the Secretary-General has made it very clear that he has had it. He has spent a great deal of his time capital in small parts of the world vital to the people of Cyprus North and South; he has thrown at it the best that international diplomacy and the good offices of the UN has been able to provide and he has been spurned by political leadership and the votes of the people. Were I his advisers, I would say, “no”.

<sup>2</sup> Note by witness—later corrected to 76%

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**Q120 Mr Maples:** Minister, I was one of the five of us who spent most of last week in Cyprus and I think we came to some pretty clear views about what had happened before the referendum and what I would really like to focus on is some of the ways forward and I think some of my colleagues will pick some of those up. I think we are, speaking for myself, particularly supportive of the stances that the Government and the European Union took after the referendum of trying to open up the economy of the North particularly through trade, not just with the south which they say is not so important but trade with the rest of the European Union. Their biggest industry is tourism and what they are primarily interested in is opening their airport and their ports, possibly incorporating Famagusta into some sort of deal with the South and certainly Kyrenia. Those measures were largely agreed upon by the European Union before 1 May but seemed to have stalled and I wonder if you could explain to us why they are stalled and how you think that process is going particularly in relation to the airport and ports issue of those being opened up to foreign trade.

**Mr MacShane:** There were no specific measures as such agreed by the European Union. What there was was a statement from the European Council of Ministers on 26 April which talked about opening trade with the North and making clear that the Turkish Cypriot community who had voted for the international plan which was endorsed by the EU should not, as it were, be punished because, in the South, the vote had been no. Since then, the EU has put forward two measures: one to spend 259 million euros developing the north and the second to seek improved trade contacts directly between the businessmen and the tourist centres of the northern part of the island with the rest of Europe. Those at the moment are under discussion in Brussels because there is a difference of view amongst Council members on how to take those forward.

**Q121 Mr Maples:** Let us go specifically into the ports and airport issue which the Turkish Cypriots we met made clear to us are much more important than cross-border trade. They are very grateful for the 259 million euros but they felt that trade was potentially far more valuable than that. Is it within the European Union's competence to resolve this issue or does it require the Republic of Cyprus to designate specific ports? Their argument is that this is a matter for their sovereignty. Is that a view that the British Government take or do we think that is something that the European Union could resolve and, if so, is it a majority voting matter because the Republic of Cyprus have a veto?

**Mr MacShane:** We obviously are not going to go down the road of being in contravention of international law. We are exploring the possibility of direct flights to the North with our lawyers but, you are quite right, we hear a lot of language in this country about the necessity of obtaining vetoes and not having Brussels tell us what to do, but I am afraid that what is sauce for the British goose is sauce for the Greek Cypriot gander. That is to say that, as a sovereign UN recognised state, Cyprus controls its

aerospace and it has the veto on matters of foreign policy. These are all issues which many people in this country insisted should be the basis on which the European Union operates.

**Q122 Mr Maples:** I follow that but, on the specific question of the two ports and the airport, are those matters over which it is our view of the law that the Republic of Cyprus can effectively veto or are they matters on which either there could be a majority vote or alternatively that are within the European Union's competence to say, "We are designating such-and-such a port because you are depriving a free trade of a chunk of the European Union whether it is in or not" and I agree that it is in with the *acquis* suspended. I am just interested in the procedure. I am interested to know whether this is something that the other members of the European Union can insist on and make happen or whether we believe that the Republic of Cyprus has a veto because obviously depending on which of those views is correct dictates one's tactics in trying to resolve it.

**Mr MacShane:** The EU cannot tell a Member State, "You must open your airports" to flights you do not want to receive." Were that to be dictated to London, I am sure there are colleagues in this room who would be the first to be jumping up and down about it. That is the price of veto power. Any question of flights is a matter for another international treaty known loosely as the Chicago Convention, it is not an EU competence. That is based on the authority of sovereign governments which, in the case of Cyprus, resides in the Republic of Cyprus, the one recognised UN state. That being said, we are working actively with officials in the Commission and let me say with colleagues and friends in the Cypriot Government to see what possibilities there are to allow trade 360 degrees around the compass in Cyprus to take place. It is self-evident that the most important part of the Cypriot economy in terms of the island as a whole is tourism. It is self-evident in my judgment therefore that the more internationally viable the recognised airports there are in Cyprus to take tourist passengers the better but, no, to revert to your original point, it is the Chicago Convention, it is not an EU competence and, no, the EU has always insisted in this country very, very rigorously on veto rights which means that we do not have the competence to impose what I think a number of Member States would wish to be a different arrangement.

**Q123 Mr Maples:** I want to make sure that I understand this. So, it is our view of the European Union law that this remains within the right of the Republic of Cyprus to say, "We are not opening Ercan Airport" or "we are not opening Kyrenia or Famagusta to international trade" and there is nothing in the treaties or the law that we can invoke against that. Is that our view?

**Mr MacShane:** On airports, yes. On ports, there is not a Chicago Convention. That, to some extent, is more fluid. Yes, the Chicago Convention, as I

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understand it, does give the UN recognised authority over Cyprus, namely the Republic of Cyprus Government, the power to withhold permission to designate Ercan in particular as an international flight designated airport.

**Q124 Mr Maples:** For my final question, I would like to come back to this issue of time. Is the reason that this is held up in the Council because the Republic of Cyprus is refusing for the time being to agree?

**Mr MacShane:** I would say that it would be fair to say that the Republic of Cyprus is not facilitating the search, certainly by my officials, to find a solution that would increase trade and direct flights to all parts of the island. We actually want to depoliticise this and simply make it a commercial question. If there are good commercial reasons to land at any airport in Cyprus—and I am not naming any particular one—then we think it is in the interests of all Cypriot people so to do.

**Q125 Mr Maples:** I understand that but my question was, in that package that the European Council agreed on 25 or 26 April was very specifically opening up these ports and airports. That has been under discussion for six or seven months and has not happened. The Greek Cypriots made clear to us that they have no problem at all with the 259 million euros of aid but they do have a problem with the ports and airports issue. So, am I to understand that the reason that the opening up of, let us just say specifically, Ercan Airport is not happening is because, as of now and so far, the Republic of Cyprus Government has held that up using a perfectly legitimate power to do so?

**Mr MacShane:** We have not found a solution and it would be perfectly fair to say that, in my judgment, the officials of the Republic of Cyprus are not working with us to find a solution.

**Chairman:** I did not quite understand your reply to Mr Maples in respect of the ports.

**Mr Maples:** I asked him specifically on the airport and he said that the officials of the Republic were not working with us to find a solution.

**Q126 Chairman:** But, on the ports, you said that the position was more fluid. Did you say that in effect there was also a veto power on the part of the Republic of Cyprus in respect of ports?

**Mr MacShane:** No. There is not an international treaty governing port operations but the trades that logically flows from Cyprus are not container ships from the UK pitching up in the North of Cyprus, it is actually between Cyprus and its closest neighbours Turkey and there you have the problem of the relationship between Turkey and the Government of the Republic of Cyprus which is a blockage to the trade.

**Q127 Mr Oliner:** I was one of the members of the Committee who were out in Cyprus last week and, as Mr Maples has said, there were press reports over there last week speaking of direct flights between the

USA and Northern Cyprus which might start as early as the New Year. I do not think the Americans will be happy to do it if we cannot do it.

**Mr MacShane:** There is talk about this, endless talk. I read telegrams from Cyprus every day and try and follow the reports in the papers that are published in Cyprus. The United States has of course a direct bilateral relationship. It may involve touching down in Turkey and then coming on into Ercan. That is one way of doing it but it is not direct flights in the European sense. We will have to wait and see. That has always been possible, as I understand it.

**Mr Chilcott:** What the Americans are looking at is whether their bilateral air service agreement with Turkey would allow them to have organised scheduled flights from airports in Turkey that touch down in Northern Cyprus on their way to the United States because the only requirement, I understand, of American law for the last airport used before a flight lands in the United States is that it should meet the security standard set by the US authorities. So, provided there is a route available, they understand that, under their bilateral agreement with Turkey, they could fly from Turkey via an airport in the North, presumably Ercan, directly to an airport in the United States.

**Q128 Mr Oliner:** Can I assume that we have a bilateral agreement with Turkey as well?

**Mr MacShane:** As I understand, it has always been possible to fly to Ercan via Turkey. That is not what the Turkish Cypriots want; they want direct flights; they want scheduled flights; they do not want a disguised landing and I think their demand is perfectly reasonable.

**Q129 Mr Oliner:** I know these are early days since the referendum but I have read what you have said and I know that you were in Cyprus the week before ourselves and you are absolutely right that there is no point in anointing one and rewarding another. That is extremely wrong language. Talking to people, I felt that there was a need in their minds from both sides in Cyprus that something needed to be seen to be being done and the weapon for the achievements of Cyprus is trade and industry and cross-border trade and industry. When do you think we will be able to see mechanisms, either the growth through the EU or whether they are able to achieve that in order that ordinary people, ordinary traders, can actually see that there is another dimension out of Cyprus because of the European Union?

**Mr MacShane:** I think that is a very important point and what we do want to see is the material existence of all the people resident in the island improve and we need to bridge the prosperity gap between the North and the South which, as I am sure you saw with your own eyes, is significant. That is why the aid and trade regulations are being discussed. I wish I could inform the Committee that they have been agreed but I cannot and we will keep pushing as the British Government both for the aid disbursement and for trade regulation that will allow full trading relationships between them. As I say, I try to stop using the words “North” and “South”, the “Turkish

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Cypriot” and the “Greek Cypriot” communities, it is simply between businessmen and individuals and students and people who want to get on with their business as we do in the rest of Europe. We will have, after 17 December, assuming, as I strongly do, that there is a clear and unambiguous “yes” to the start of negotiations with Turkey, a new context. We will have Cyprus as a member of the EU and we will have Turkey knocking on the door to become a member of the EU. That has to inject certain new dynamics. We are putting to work our best lawyers, our trade lawyers, our international aviation lawyers, and we are discussing this completely transparently with all concerned to see if solutions can be found.

**Q130 Mr Oler:** I think it is a very big turning point for the accession in the roadmap, if you like, for Turkey to become a member of the European Union family but that is going to take some time. I hope we are not thinking of putting everything in Cyprus on the back burner until Turkey actually joins the European Union.

**Mr MacShane:** No. On the contrary, when I was in Cyprus—and I repeated these points in an adjournment debate with the Member for Tooting (Tom Cox) the other week—we say as a government, “The sooner the better.” We should not leave this for some final settlement at the end of negotiation with Turkey. Turkey herself has turned out very positive and powerful signals in this area. So, too, can the Government of the Republic of Cyprus. I urged President Papadopoulos and Mr Talat to talk directly. Mr Talat of course is no longer heading the Government; we are moving towards new elections we think early next year. If they cannot directly meet, they have some very brilliant and able advisers who can meet if not in the island then somewhere else. That was my personal plea, to talk, talk/jaw, jaw, better than taking up positions and staying in their respective trenches.

**Q131 Mr Mackay:** I want to just underline what Mr Oler has just said, that there is an awful danger of lethargy, is there not, if we allow the Turkish application to get too mixed up with the Cypriot settlement because we all know that everyone in this Parliament welcomes the Turkish application and shares your view that we hope will be a positive mood on 17 December but we all know that that application is going to take a very long time inevitably and it would not be fair to allow that to start a settlement and you can underline that, I hope.

**Mr MacShane:** I have just done an interview on Turkish CNN making almost exactly the point I have been making now, that Ankara should seek to solve or to make its contribution to solving the Cyprus problem earlier rather than later and send out the positive signals that would be very well received in the rest of Europe because, while certainly British political opinion is united on the question of Turkish application, the Committee will know full well from other Member States, not at the level of heads of government but there are powerful political forces opposing Turkey’s bid to become an EU Member State. So, I think it behoves Turkey,

though it is not for me to give advice, to show that in the Eastern Mediterranean it can find ways to solve the Cyprus problem as soon as possible. Equally, I have to say that the same message is true for everybody in Cyprus to drop entrenched positions and find ways of moving forward. The only losers remain the people of Cyprus.

**Q132 Mr Mackay:** You rightly said a few moments back that a settlement can only happen if there is some economic convergence and you will be aware, as we are, having just returned from Cyprus that there is a major gap between the North and South and presumably you can see that this can only realistically happen if there is much freer trading law and Mr Maples has already mentioned the opening up of the ports and hopefully the airport as well. In answer to Mr Maples—and I think I am quoting you correctly—you said there were differences of view within the European Union which are delaying this procedure and, as you know, it is six, nearly seven months since talks started. What are those differences of view and who are they with?

**Mr MacShane:** When you operate the European Union on the basis of vetoes, that gives one country tremendous authority to block anything it does not want to see happen.

**Q133 Mr Mackay:** So, your real answer to Mr Maples’s earlier questions was that there is the threat of the Republic of Cyprus veto which is delaying progress which everybody believes should happen and we found many people in the South who also felt this was important economic convergence.

**Mr MacShane:** It is clear from my conversations with friends in the Government of Cyprus that they do not attach the same importance to open free trade 360 degrees around the compass from the island that the British Government do and I imagine that their representatives in Brussels will reflect that point of view.

**Q134 Mr Mackay:** Just to press you a little further on the ports and the airport, I think I have interpreted you correctly, although you may put me right, when you said there was a difference between the ports and the airport and you referred to the Chicago Convention on the airport—and we might want to come back to that in a minute—and that there is no such Chicago Convention on ports. So, that means that there is a way for the European Union, if it so wants, to ensure free trade through the ports of Kyrenia and Famagusta. Can we have it quite clear as to whether there is that veto that the Republic—

**Mr MacShane:** No.

**Q135 Mr Mackay:** There is no veto, so it could be done under European Union by what, qualified majority voting?

**Mr MacShane:** No.

**Q136 Mr Mackay:** Or by the Commission proceeding?

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**Mr MacShane:** To agree a common trade regulation vis-à-vis Cyprus requires unanimity. Obviously, any Member State if it so chooses, any individual ship owner if he so chooses, can sail into any port in Northern Cyprus. What we would prefer and what we are arguing for very strongly is a new trade regulation that allows the normal trading rules of the EU to be extended to the northern part of the island.

**Q137 Mr Mackay:** So, if that cannot be achieved, clearly you want it to be achieved, the United Kingdom and other individual Member States would go it alone.

**Mr MacShane:** As I said, we do not want to make this a question of political confrontation, we want to make this purely commercial and that is how the European Union as a whole works, does it not? It creates so-called level playing fields, to use that cliché. There is nothing today to stop any ship owner or any ship docking and unloading in Northern Cyprus. We would not know about it.

**Q138 Mr Mackay:** Let us just move to the problem of delay. I am sure that you, like me, are more worried about voids and there is now a void developing as the six becomes seven months and you will run into a year and the situation will rapidly deteriorate. There does need to be movement, does there not? If there is no movement, there will be very serious political consequences. I am not quite clear from what you have said so far how you are going to achieve that movement.

**Mr MacShane:** We are arguing for the moment and officials are arguing for it and I am arguing for it publicly on the record in Cyprus, European Capitals and obviously here in the House of Commons but we are one voice.

**Q139 Mr Mackay:** If, by definition, you say there is an argument which is legitimate, there must be two sides to the argument. Somebody must be arguing against it, otherwise we would not resolve the problem.

**Mr MacShane:** The Government of the Republic of Cyprus has not so far seen its way to agree to a comprehensive trade regulation to be adopted by the European Council. That is in the hands of intense high-level discussion amongst officials. I would hope that it could be resolved before 17 December, though I cannot guarantee to the Committee that that will be the case, and then your point is a very valid one, which is a point which I stressed in my visit down there and, as I say, it is nearly 30 years since I have been visiting Cyprus, you could feel that width of stagnation/stalemate in the air. As I say, I hope to goodness that there is not a Europe Minister for Britain in 30 years coming down and still sadly crossing the buffer zone, talking to the British soldiers on the toll there and talking to the successors of President Papadopoulos and Mr Talat, but it has gone on for 30 years.

**Q140 Mr Mackay:** Finally, if I could just press you on the question of the international direct flights into Erccan which would obviously immensely help the

tourist industry, as has already been mentioned, and the economy in general. The Minister is an expert on the Chicago Agreement, I am not, and certainly Mr Chilcott will be an expert and perhaps one of you could help me here. You suggested to us earlier that it was in the remit of the Republic of Cyprus who flew into airports on the island and we all know that there are Turkish flights into Erccan and we all know that, if British tourists wish at the moment to fly to the North, they either fly to Larnaca or they fly to a Turkish airport and then through. Does this mean that Turkey is acting illegally by flying into Erccan or are they getting the permission of the Republic?

**Mr MacShane:** I will pass that question to Mr Chilcott. I have an idea but he is perhaps more technically qualified.

**Mr Chilcott:** The position of course is that the Government in Ankara do not recognise the Republic of Cyprus Government. Under the terms of the Chicago Convention, the key provision in the convention is that an airport should be designated as an airport suitable for receiving international flights by the government of the territory in which the airport is found. For the Turks in Ankara, the government that administers the area in the north is the Government for the North of Cyprus, so for them there is no contradiction in allowing flights airtime, but then that would be their interpretation of the Chicago Convention. That is not our position, as you know.

**Q141 Mr Pope:** I have just a brief question about the EU aid to Northern Cyprus which I think is supposed to be in the region of 259 million euros. What we know is that per capita GDP in the North is about one third of that of the Republic. We have just heard in this lengthy exchange about the difficulties of trade, the very least that the EU should be doing is over an aid programme but the aid programme also appears to be stalled. Could you explain to us if it is stalled and what we are doing to take it forward.

**Mr MacShane:** We have agreed the amount of money. There is some discussion on exactly how it is dispersed. The government of the EU Member State concerned, namely the Government of the Republic of Cyprus, is arguing that it should have a particular interest in how it is dispersed just as other Member States like to ensure that money from Brussels does not flow to areas and projects over which it has no say. We believe that it should be dispersed directly in the North. This is an area of continuing discussion.

**Q142 Mr Pope:** I am not sure that I was greatly enlightened by that.

**Mr MacShane:** This is, "Welcome to the EU." We have insisted throughout that Brussels actually has far fewer, far more limiting and far more hemmed-in competences and, above all, sovereign states and their elected governments can exercise vetoes limiting control, as done by Brussels, and therefore the Government of the Republic of Cyprus has the same footing as a British Government or any other

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EU Member State government in telling or in seeking to tell Brussels how its money should be dispersed. I regret that.

**Q143 Mr Pope:** So, it is being vetoed, essentially?

**Mr MacShane:** No, it has not been vetoed because it has not yet happened.

**Mr Pope:** It has not yet been agreed.

**Q144 Andrew Mackinlay** You seem to be like a rabbit trapped in the headlights! Listening to my colleagues' questions, you do not seem to know the way forward, do you? I have been listening with bated breath.

**Mr MacShane:** I am delighted by the metaphor but I do not feel like a rabbit at all. I have been in Cyprus and worrying about Cyprus for some time and, if there were a way forward on direct flights, on aid and on finding a solution, believe me, nothing would give me greater pleasure than to bring these instant solutions which are acceptable to everybody in Cyprus to the Committee. If any colleague has a way forward to show to me, nobody would be more pleased than I and my officials who receive the wisdom of any colleague in telling us how we can solve the problems we have been discussing so far.

**Q145 Mr Hamilton:** You will know that this Committee visited Cyprus two-and-a-half years ago and, on this visit just last week, we saw a very, very different picture. Things have changed quite dramatically. By the way, we did see some of the money that has been spent by the EU in Famagusta old port and there were blue flags being flown thanks to EU money having been spent there but clearly it is not enough. You mentioned earlier in the discussion we were having about the disparity between the incomes in Northern Cyprus and in the South and the rest of the Republic. I understand the disparity is about four-to-one, if I am not mistaken. In other words, the North has about one quarter income per capita of the South on average and that is clearly something that is a bar to integration and to economic convergence. It is obvious that we have to see the standard of living of the North increase fairly substantially before there can be any economic convergence. We mentioned also the ports and you kindly enlightened us on the Chicago Treaty and you said that any ship could dock in any port. One of the biggest problems we were told was that, yes, a container ship could come into Kyrenia or into Famagusta, but it is several times more expensive to unload containers in those ports and therefore it is a lot cheaper to go to the ports in the South and to Larnaca and ship the goods into the North which is something that does not please many Turkish Cypriots. I wondered what we were doing or what the European Union could do to make sure that those ports were brought up to scratch, or is that something again that the Republic of Cyprus Government, as a member of the European Union, has a veto over?

**Mr MacShane:** I am not an expert in shipping trade and ports and, if the prices charged in a port is to high, then I understand why ships may want to go

and unload elsewhere. That is partly a commercial decision. Our view, to get away from the port question specifically is, that any form of trade directly from any part of the island with the rest of European Union has to benefit all of the island. Flights are a rather more obvious example. The 259 million euros is an important contribution but, spread over the entire population of Northern Cyprus, it is not that much per capita. The question of developing all the different ports in the northern part of the island to the full international ports is a commercial consideration rather than one of the EU to solve.

**Q146 Mr Hamilton:** You must agree it is ironic that, in the poorest part of the island, it is the most expensive place to unload goods in the ports. I am accepting that this is a commercial issue but the fact is that the goods become much more expensive and trade becomes more expensive in the northern part of the island in those ports that desperately need upgrading, but I accept the answer you have given.

**Mr MacShane:** It is often the case. It is the poor who often pay the price for the success of the rich.

**Q147 Mr Hamilton:** Can I move on to one of the reasons that I think was made clear to us that most Greek Cypriots rejected the Annan plan which was their sense that the security question was not being answered by the Annan plan in that it is was going to take so many years for the 40,000/45,000 Turkish troops to be removed from the island. Would you accept that we have a very important opportunity with the discussions on Turkey's possible accession/ the discussions on Turkey joining the European Union which I think will take place on 17 December and I am glad to hear that our Government support Turkey's proposed accession in the future, but is it not inconceivable that Turkish troops should be allowed to remain in Cyprus should Turkey eventually join the European Union? That must be a condition of Turkey joining to see those troops removed from Cyprus sooner rather than later, I would have thought. Do you agree?

**Mr MacShane:** I know that the Committee will be aware of Article 8, paragraph (b) of the Annan Plan which sets out very clearly the demilitarisation of the island saying that each contingent, that is to say Turkish side and the Greek side, will be down to 6,000 troops in the years up to 2011 and then down to 3,000 troops all ranks up to the year 2018 or the accession of Turkey to the EU and thereafter we will be back with the Treaty of Guarantee, the 1960 Treaty, of 950 troops for the Greek contingent and 650 for the Turkish contingent. I do not really think that 650 troops is an enormous presence and that was one of the victims, if you like, of the rejection of the Annan Plan, a very clear timetable I agree. From now until 2011 is six years, a little longer than the life of an English Parliament, and 2018 is 13 years but, compared to the 30 years where there has been no movement, that seems to me to be a gnat's eye blink and, for me, a good reason to vote "yes".

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**Q148 Mr Hamilton:** But that seems to be one of the reasons that a lot of the Greeks had reservations.

**Mr MacShane:** I do understand that because it changed slightly from Annans one and two. What is clear is that, under any settlement, we should need to move back to the original UN calls for a *de facto* demilitarised island. Do not forget, the Greek Cypriots themselves, the military service going up to 26 months and Mr Iacovou, the Foreign Minister, told me that the cost to the Greek Cypriot budget was about 100 million of their pounds. So, again, in Greek Cypriot terms, they are having to maintain an excessive military burden which would have been literally overnight solved for them had they accepted the Annan Plan. We can come back to this question later on.

*The Committee suspended from  
3.46 pm to 3.59 pm for a division in the House*

**Q149 Mr Hamilton:** Minister, we went, as you have heard, to Famagusta and, while we were there, we managed to have a look at the deserted and ghost town of Varosha which obviously is something of deep concern to Greek Cypriots and deep anger and, as you know, Varosha is completely sealed off and looks like something out of a Hollywood movie after a nuclear explosion. It is absolutely horrifying; we were told that there were rats the size of cats there and of course we were not allowed in. It is not very nice for the troops that are garrisoned there; it is used as a Turkish Army garrison. My question really relates to the differences between Annan three and Annan five and, as I understand it, Annan three proposed that all Turkish troops be removed from the Island of Cyprus after Turkey's accession to the European Union or within a certain limited period of years. Yet, that plan changed between Annan three and Annan five and I wondered whether you could explain the reasons for that change. What was it that prompted that change? Surely Annan three would have been quite saleable to the Greek Cypriots and yet Annan five clearly was not.

**Mr MacShane:** I think that is a question you would have to put to the leaders of the two communities at the time that Annan three was discussed. As I said, Annan five was rejected in the referendum in April but the previous Annan four plan had not been agreed or supported by the Turkish Cypriot political leadership or arrived at the moment where they might have put to the test of a joint referendum. So, we are now back in Annan five at the status quo of the Treaty of Guarantee, the Treaty of London technically of 1960. I personally—and it is a personal point of view—cannot get hugely worked up about 650 troops. I just do not see that as a sticking point. I understand why two divisions of more than 30,000 troops are there today from the Turkish Army, it is obviously a problem, but, if I can express a personal point of view, the difference between 650 under the Treaty of Guarantee which was not contested as such by previous political leadership generations.

**Q150 Mr Hamilton:** I can understand your personal view but, with respect, you did not have to live with the invasion in 1974 and that is what informed so many Greek Cypriots today.

**Mr MacShane:** Yes but it is said in Cyprus that no Greek Cypriot can remember what happened before 1974 and no Turkish Cypriot can forget what happened before 1974. So, the pre-1974 stories, as I am sure you found out in discussions with friends in Northern Cyprus, are vividly different from some of the perceptions that are offered from the Southern part of the island.

**Q151 Mr Mackay:** Minister, I would like to take you back to the answers which you gave to Mr Pope a minute ago about this very welcome EU aid package which amounts to the sum total of 259 million euros. As you will be painfully aware, this money is not coming through at the moment and I think you said to Mr Pope that you were using your best endeavours to ensure that it did come through and then, under further examination by Mr Pope, you explained that it was the Republic of Cyprus that would wish to ensure—I think I quote you correctly—that the aid only came if it was going to projects over which it had control. You and I know that it has no control over any projects in the North for reasons that are self-evident. So, if they stick to that point, they have a veto and the aid will not come; is that correct?

**Mr MacShane:** Yes.

**Q152 Mr Mackay:** The EU cannot be relaxed about that state of affairs.

**Mr MacShane:** No, of course not.

**Q153 Mr Mackay:** Because you have already agreed with me that the economic well being of the North and the bringing of it more into line with the South is essential to any settlement and here is an EU aid project to the North which is being blocked and no doubt the Commission could ensure that the money was put to correct use. There is not the suggestion that it would be fraudulently used, it is just merely that the Republic of Cyprus does not have control over the project.

**Mr MacShane:** We are at the moment in discussions between the 25 Member States of the European Union. At the Committee of all the chief government representatives in Brussels that was held on 6 October, the presidency of the European Union currently held by the Netherlands said that there should be an effort to get a set of conclusions for the General Affairs External Relations Council of November which would include the aid regulations and it is intended by the Council to adopt the trade regulation by a specific date. Discussions to find the exact language that will give effect to that wish of the presidency at the beginning of October are still continuing. I do not want to characterise one particular government as being responsible because I think it is unhelpful in what are continuing negotiations but I will not hide from the Committee my view that the British Government feels there has

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not been enough operational support from the Government of Cyprus to give effect to the clear wish of the European Union as a whole.

**Q154 Mr Mackay:** Mr Pope suggested to you that the Republic of Cyprus was vetoing. I am inclined to agree with that suggestion and you said, “No, merely delaying.” When does delay become a veto?

**Mr MacShane:** The processes of the European Union are long and tortuous. At what point putting up objections that one government considers legitimate constitutes a veto is not always clear. We have not reached that stage yet.

**Q155 Mr Mackay:** But we are going to avoid what you and I earlier agreed would be highly dangerous?

**Mr MacShane:** We are not yet able to discharge the obligations set out in the Council decision of 26 April which was before the ten new Member States joined which was to open up particularly trade relationships with the North of Cyprus and to disperse the 259 million Euros of aid, but I stress again that that is the nature of the European Union because it is not a super state and it is not a federal structure. Brussels has very limited power. It is 25 governments having to agree and, if one of them will not agree, that blocks what 24 others may wish to do and, as soon as everybody in Britain understands that point and stops propagating myths, the better.

**Q156 Mr Mackay:** You would agree that it is important for this Committee, in reaching its conclusions, to know just where that block is coming from?

**Mr MacShane:** I think I can only report to the Committee that at the moment in the discussion between the permanent representatives and the 25 Member States in Brussels, no agreement has been reached and, in my conversation with the Greek Government representations on and off since April, it has been put forcibly to me that they are not content with the proposals for direct trade to the north and not yet content with language on how the trade should be dispersed.

**Q157 Mr Mackay:** Direct aid as well, it is not just trade. You are saying they are not content with direct aid.

**Mr MacShane:** They are not content yet with the language on aspects of the disbursement of the use of the 259 million Euros of aid. I should point out that it may be of interest to the Committee that, as important as they say it is, it has not been raised as a major issue with me by friends in Northern Cyprus. The Turkish Government itself gives about 300 million euros worth of aid to Northern Cyprus every year. So, the European Union packet of money would certainly be welcomed but, by far—

**Q158 Mr Mackay:** It would double it.

**Mr MacShane:** It would double it for one year. We, as a government, believe we should focus much, much more on trade and, as I said, trade 360 degrees

around the compass, north and south from the island, east and west from the island, and from all parts of the island.

**Q159 Chairman:** Since that agreement on 28 April, have any tangible benefits accrued to the Turkish Cypriot community?

**Mr MacShane:** There has been a Green Line Regulation which allows passage between the North and South.

**Q160 Chairman:** That was before.

**Mr MacShane:** It existed before. It is now, as it were, under a formal regulation.

**Q161 Chairman:** Anything tangible?

**Mr MacShane:** That is the only tangible result that I can put to you.

**Q162 Chairman:** But that existed before.

**Mr MacShane:** There was not a regulation before. There was certainly, after the barriers were removed in 2003, passage across the border, but I was very much struck when I was there—and I do not know if colleagues who were there will confirm this—that in fact this is still a very divided island with two communities having very little cross-Green Line contact.

**Q163 Sir John Stanley:** On the mechanics of trying to get process towards settlement of the Cyprus issue, is the Government’s view that this is now essentially within the European countries a matter for the EU and an EU responsibility and that the British Government’s input should be through the EU or is the British Government’s view that there is also some room for a bilateral contribution by the British Government directly with the Government of the Republic of Cyprus?

**Mr MacShane:** Let me stress, Chairman and Sir John, that, to the contrary, it is firmly our view and I think the European Union’s view, that we should not seek to usurp or replace United Nations and in particular the role of the United Nations Secretary-General as the broker of the settlement. It has been a sensible tradition on the part of the EU not to step in and seek to resolve either, I put it as it were between inverted commas, “internal or bilateral disputes”. What the EU does is support, as it did, it offered as part of the Annan Plan and you will have seen the annex stipulating that Turkish would be an official language which the united Cyprus enjoyed and lots of other advantages which would have accrued had the vote been “yes”. We tried to provide a positive context for the settlement. Britain has some expertise and history on Cyprus on so a lot of my time is explaining the problems of Cyprus to colleagues in other governments of whom it is not part of their political furniture, as I think it is for everybody in this room. We also obviously provide a huge incentive to Turkey by saying yes to the accession talks beginning 17 December for Turkey to look to see what contribution it can make, but I do stress this is an international problem brought about as a result of the events of 1974 which are



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under the aegis of the UN, which are subject to various UN Security Councils, where the hard work lies here in the Annan plan, and it is definitely not for the EU to replace the United Nations. Britain is there as one of the guarantor powers; it is there because of our incredible affinity of friendship with both communities of Cyprus, the very large Greek and Turkish Cypriot diasporas in our own country, but again and again we have said we are there to help, to encourage, to provide technical diplomatic toolkits, those that can be used, but we are not in a position to impose, cajole or oblige a solution to be found if principally the Republic of Cyprus, Turkish Cypriots are not willing to agree to a UN proposals.

**Q164 Sir John Stanley:** So the short answer to my question as to whether there is a bilateral role that the British government sees for the United Kingdom in this is “no”, is that right?

**Mr MacShane:** There is no direct unilateral bilateral role in the sense that it is an exclusive property of the United Kingdom. I followed the Cyprus question closely as an MP and PPS before becoming a minister, and there are many, many colleagues who visit there regularly who have a lot of detailed knowledge and I have listened to all the Cypriot debates in my ten years as an MP, and I have never felt that Britain by herself was to produce a kind of Harry Potter solution and solve the Cypriot conundrum. As I said to President Papadopoulos and to Mr Talat and their colleagues, “You are the cleverest people in Cyprus, you can do it by yourselves if you are willing to break out of old entrenched positions”.

**Q165 Mr Maples:** Do you think in retrospect it is a pity that we let Cyprus into the European Union without resolving this problem first?

**Mr MacShane:** I do not think that we could be where we are today on Turkey had we, as it were, sought to recuse the right of Cyprus to join the European Union. In other words, there was, as I understand it, well before my ministerial time, a *quid pro quo* that if Turkey was to be allowed to become a candidate member or seek to move to the point of becoming a candidate member, then Cyprus would be allowed to join.

**Q166 Mr Maples:** We understand the history but, given where we are now, it surely is a complete and I would suggest to you unacceptable anomaly in anything other than the very short term that we should have a situation where part of the European Union is occupied by foreign troops, is fenced off where free trade is denied and where its neighbour is pursuing a sort of beggar-my-neighbour towards it. We have to resolve it. Surely it is not acceptable within the European Union that this situation continues for very much longer?

**Mr MacShane:** That is precisely why beginning accession talks with Turkey, which I hope will be the European Union Council’s decision next month, does allow a new opening, because I think I in earlier evidence, Mr Chairman, stressed the point that it will be an anomaly of increasing magnitude that

Turkey is seeking to negotiate with a union of 25 Member States, one of which it does not recognise, for example, and it would be an increasing anomaly that Turkey is seeking to negotiate with 25 Member States on the territory of which as recognised by the UN it stations two divisions.

**Q167 Mr Maples:** But it is not just the Turkish involvement in Cyprus, is it, that is an anomaly? The anomaly is we are a free trade zone. You can go and trade anywhere, work anywhere, invest your money anywhere, start a business anywhere except with one little fenced-off piece, and that seems to me to be, without doubt, an anomaly, and I believe it would have been better if we had not brought this particular cuckoo into our nest but having done so and having I think been comprehensively out-manoeuvred by the Greek Cypriot government we, I suggest to you, cannot allow this to continue and simply fall into the timetable of Turkish accession because that may be 15 years. We have to do something about this before then.

**Mr MacShane:** I am always a little bit nervous of signing off on the “something must be done” argument but you are, I think—

**Q168 Mr Maples:** I think you are in sympathy.

**Mr MacShane:**—repeating with much more vigorous force than the Foreign Office is allowed to points I was making when I was in Cyprus and I have made today on Turkish television, and I think I am probably the first minister so to do, that yes, I think—

**Q169 Mr Maples:** You see, I would suggest to you that this Cyprus veto is a paper tiger. We found as one of the major countries in the European Union that if you are outnumbered and in a minority of one, as we have been on several occasions and more so under the previous Conservative government than this one, even so it is almost impossible to sustain a minority of one for very long. The pressure is huge; the other things you are trying to negotiate all get blocked as well. I hope that the Foreign Office is being much more robust in these negotiations than you give the impression of. Maybe you want to put a diplomatic licence on this but I really do hope we are being robust about this because I think the Greek Cypriots can exercise this veto once. It is like owning one nuclear weapon and firing it. When you have done it you have completely wrecked your goodwill, you have wrecked everybody’s trust in you—they cannot do it any more than they can veto the Turkish application on 17 December. Now, it may be sensible to wait until 17 December but I hope on 18 December we will pursue a really robust attitude with the Greek Cypriots and if we cannot get them to agree say, “Okay, we will have a meeting. You exercise your veto. Go on. You do it. You show the world that that is your policy to try and ruin the Northern Cyprus economy”, and I would suggest to you we need more robustness in these negotiations.

**Mr MacShane:** I hear what you say and this is on the record and I hope others hear what you say. I have, though, to make the point that were I to use that

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language about Britain, that we cannot use our veto and our veto is a paper tiger and it is only a one use nuclear weapon—an interesting concept in itself—I think, if not my ministerial life, the high reputation I have in our anti European press might go down very fast indeed—

**Q170 Mr Maples:** I think you take my point.

**Mr MacShane:**—but you are right. I am astonished at the sound of my own diplomatic weasely voice, but yes, I prefer not to go down the rip roaring road of upping the ante that you are taking the Committee down, Mr Maples, but I do assure you that there is very considerable feeling out in the European Union park, if I can use that expression, that we need to move forward with Cyprus and many people in other countries want to do trade with Cyprus—not just Britain; there are other people who want to open tourism in Northern Cyprus in particular—

**Q171 Mr Maples:** I am going to interpret your response as encouraging to the view I have taken, but I want to pursue my reasoning a little bit further with you, because I think there is very good evidence that the strategy which Mr Papadopoulos and his government are pursuing is to hold out, and the longer they can hold out the more they will wreck the Turkish Cypriot economy; the more people will leave and the better settlement they will get. They think if they hold this out for five, seven, eight years they will get a much better deal than they have under Annan Five, and we must not allow that to happen because the price of that is the ruination of the Turkish Cypriot economy. I do not accept you publicly to accept my analysis of their strategy is right but the evidence of what I am saying is absolutely overwhelming, and if we allow them to get away with that the price will be paid by 200,000 Turkish Cypriots.

**Mr MacShane:** I am not sure. We can all suck our thumbs this afternoon and say what will be happening in two or three or four years' time and we clearly have to go back two or three or four years' time to President Clerides, and it was not he who principally was the main barrier to moving to considering Annan One or Two or Three. The bleak picture you paint, however, has to take into consideration demographic changes. There are maybe 200,000 Turkish Cypriot citizens who are eligible for a Republic of Cyprus passport. They could get that and relocate tomorrow to anywhere in Europe, to London, to Frankfurt, Paris—

**Q172 Mr Maples:** Many of them have done so.

**Mr MacShane:**—and who would come in and take their place? People from the mainland of Turkey who then might make a new and different obstacle to what the Republic of Cyprus government want. So all actions have consequences and—

**Q173 Mr Maples:** I follow all that. Can I finish my questioning to you with what I hope is a constructive suggestion and I think it will flush out whether or not my analysis of Mr Papadopoulos' strategy is correct

or not. This has become an all or nothing negotiation; either you sign the Annan Plan or you do not get any of it, but there are huge chunks of Annan which are agreed by both sides and I would suggest to you that we ought to be working for, and so ought any other agencies involved and particularly the European Union, for partial implementations of the Annan Plan. Now, Mr Hamilton or Mr Pope mentioned Famagusta, Varosha. That is a self-contained settlement that can pretty easily be made and it would give Varosha back to the Greek Cypriots, open up Famagusta to more international trade and be beneficial to the whole island. If these partial trade-offs are vetoed by the Republic of Cyprus then it seems to bear out what I am saying and their logic, if you put this to them, and their argument is, and both sides say the same thing: if they get part of what they want without having to agree the whole deal it will weaken the pressure on them to settle, but it seems to me that if every international negotiation were conducted on that basis we would never reach agreement on anything because what you do by moving towards a settlement is you change the atmosphere on both sides. You change the environment in which you are negotiating, and I think that is what the Republic of Cyprus government is missing on this. I would like suggest to you that moves perhaps initiated by us through the European Union to have some partial implementation of little packages of the Annan Plan will go a long way towards improving the atmosphere in which you might eventually reach a settlement.

**Mr MacShane:** I do not disagree. This was debated in the House in Mr Cox's Adjournment motion a couple of weeks ago where the points you made were echoed probably more clumsily and long-windedly in my own speech, but let us not forget that the principal objections to the Famagusta Varosha trade is Mr Talat and Northern Cyprus, the Turkish Cypriots, because they say, "We had all of this in the Annan Plan plus a bit more; the Greek Cypriots have vetoed the Annan Plan; why on earth should we settle for a lot less?" Now this is a discussion that you or I have to have then perhaps with Mr Talat if we think this is the right way to go down. I have said on record talking about anything before 17 December and I have said to Turkish opposite numbers, that the sight of a division or so of Turkish troops getting on to their transports and leaving the island would send a marvellous symbolic signal around the world that Turkey was thinking afresh while still maintaining security for the Turkish Cypriots and security concerns in the region. So those are two tiny proposals which the British Government will have no problems with. I think we would prefer a comprehensive settlement but in essence direct flights to the north are a partial settlement and that is what the EU is calling for, so I have no problems with that at all but believe me, I did not feel a great echo when I put some of these ideas informally in very friendly talks with both Mr Talat and his colleagues and President Papadopoulos and his colleagues.

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**Q174 Mr Maples:** If I can just finish my thoughts, if we all come to the conclusion, which I have, that this is an intolerable problem to continue in the European Union for more than a year or two then it does seem to me there are various lines we can pursue, some of which we have talked about through trade and opening up ports and they are part, I would have thought, of partial implementation. I agree, there are lots of trade-offs unless they happen to be made by both parties, but I think we ought to be gently and diplomatically banging people's heads together behind the scenes to see if we cannot get that process started.

**Mr MacShane:** I do not bang heads together—

**Q175 Mr Maples:** I said “diplomatically”.

**Mr MacShane:**—but I have said this in public rather than private and earned a reproach from the senior Turkish diplomatic representative—no names—and it struck me probably I was just about half doing my job, but yes, I do want to see movement: I would like it to be on the basis of Annan Five and a half or Annan Five minus three quarters. Were that not possible then, if there are partial measures that can be undertaken, we will press for that very strongly internationally in the EU context and in all of our bilateral discussions, and we will continue to press along the lines that you are talking about, and I am certainly very much looking forward to the Committee's report and recommendations because I value enormously in the time I have been a Foreign Office minister all of your investigations—

**Q176 Chairman:** That is fine but—

**Mr MacShane:** Sorry, I thought I was on a winner!

**Q177 Chairman:** Yes, but we want to know what it means. You have told Mr Maples that you want to continue along these lines. What other candidates do you have for partial implementation of the Annan Plan as confidence-building measures, which is what Mr Maples is suggesting?

**Mr MacShane:** This may sound a silly one but I remember a discussion with Mr Talat on the terrace here in the summer. It was a question whether Turkish Cypriots would take part in the Olympic Games. No, he said, because they could not march under the Republic of Cyprus flag. I said, “Are you quite sure? I can think of nothing better if there is a great Turkish Cypriot weight lifter or runner or marathon runner or whatever than to be up there winning a prize. You will have all of Turkey and all of Turkish Cyprus cheering for you and actually all of Cyprus, just as we have the most awful anti Europeans in our press but they are damned happy—

**Q178 Chairman:** But, with respect, that is four years' time?

**Mr MacShane:** No. In the Ryder Cup when we beat the Americans as a European team. Mr Talat seemed to think this was inconceivable. Well, I just thought to myself then that the problem may be deeper and more entrenched on both sides than we realise.

**Q179 Chairman:** Do you have any other matters which are part of the Annan agreement which could be agreed as partial implementation within the next year or so?

**Mr MacShane:** No, because I do not want to cherry pick. I really think that is not helpful. I have said to President Papadopoulos and Mr Talat—Mr Talat, of course, now no longer having the majority in his Assembly—“Can you not go away and talk yourselves informally, privately between officials?”

**Q180 Chairman:** And the answer?

**Mr MacShane:** Well, they said there are difficulties. Both sides said there were difficulties. Nobody ever excludes anything in Cyprus but there are difficulties.

**Q181 Chairman:** Do you fear that if both sides say there are difficulties to any movement the division of the island will become more entrenched with the danger of partition?

**Mr MacShane:** I do not see how partition is possible simply because there are UN Security Council resolutions, there is a treaty of guarantee, and the whole of the island of Cyprus has entered the EU even if the *acquis* is suspended in the north. I do not see how Turkey can join the EU on the basis of a partitioned island.

**Q182 Chairman:** Understandably in the current context you have been hesitant, but is that hesitation based on a reluctance to rock the boat before December 17 and the decision on Turkey's candidate status?

**Mr MacShane:** No, it genuinely is not. I think if this hearing was taking place on December 18 or January 18 I would be saying much the same. I am conscious that almost anything a British minister says is echoed very loudly back in the island on both sides of the Green Line so I am cautious in a responsible way in what I say. I think there are opportunities now once Turkey starts EU membership negotiations, but I really do think it needs a change of attitude on all sides and I do fear, yes, that positions are very deeply entrenched. Each side is absolutely convinced it has 90% of right on its side and if only the others would see its point of view everything would be solved, and the plain fact is that you have in Annan the political outline, Annan One-Five of the future for Cyprus in the EU, the future of Cyprus, a successful democracy of two communities in the eastern Mediterranean, and my fervent wish and that of the Government is that there was sufficient statesmanship to seize that.

**Q183 Chairman:** The Americans took a unilateral decision earlier this month in relation to the naming of the Republic of Macedonia. Do you feel that there would be a unilateral decision by the US in respect of flights to the north?

**Mr MacShane:** We discussed that earlier, as was explained—

**Q184 Chairman:** But of its special relationship, what is your understanding?

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**Mr MacShane:** As the Committee was informed earlier, the Americans have got the right to land in Turkey, come on to Ercan and then fly straight back to the United States, so would airlines in the United Kingdom. I am not sure if they can fly straight back to the United Kingdom or whether they have to touch down again in Turkey?

**Mr Chilcott:** We have a different legal interpretation than the Americans on how this can be done.

**Mr MacShane:** I would not forget that the Greek Cypriot diaspora in the United States is very influential—

**Q185 Chairman:** What is the “different legal interpretation” which allows the US to believe they have the right to land directly in the way you have suggested, and which prevents us?

**Mr Chilcott:** US national legislation governing rules about international flights will allow them to use their bilateral air services agreement with Turkey to enable an airport in the north of Cyprus to be the last port of call between flights scheduled to go from Turkey to the US provided that airport met the minimum safety standards that the United States sets. Now, clearly that interpretation of their bilateral agreement for them overrides, or is compatible, with their implementation of the Chicago Convention. The way the Chicago Convention is implemented under British law rather constrains our ability to authorise flights to or from directly an airport that has not been designated as an international airport by the government of the territory for which it is responsible.

**Q186 Chairman:** Given that US interpretation, have we any reason to believe that they might in the near future act unilaterally?

**Mr MacShane:** I do not know. It is a simple answer. We are obviously in talks with Washington on this; I have not seen any paper that suggests this is likely to be initiated: I am not sure what direct flights will be commercially viable between all the way from the United States and Northern Cyprus or whether they are a realistic proposition, but I can assure you that this is all a debate in the semi public arena and if Washington takes the decisions so be it. I certainly would not protest if there are direct commercial flights with Northern Cyprus, providing it does not involve any recognition of the ‘Turkish Republic of Northern Cyprus’.

**Q187 Mr Maples:** The original phrase was I think there was a different “interpretation” of the law. What I understand Mr Chilcott to be saying was that the United States would regard their domestic law as in this respect overriding the provisions of the Chicago Treaty, whereas we are stuck with the Chicago Treaty on its own, so it is not a different interpretation of the Chicago Treaty; it is that American domestic law is different from ours in this respect. Is that correct?

**Mr Chilcott:** I think it is to do with the implementation of the legislation they have in the United States that gives effect to the Chicago Convention and governs international flights, and

they way they have implemented the Convention is different from the way we have implemented it. On the question of whether it gives them more leeway, you would have a get a lawyer’s view of their national legislation but the view they take is that it does give them this leeway.

**Q188 Mr Maples:** But the thing that gives them the extra leeway is the domestic legislation with which they implemented the Chicago Treaty, so in that respect their law on this is different from ours?

**Mr Chilcott:** Yes.

**Mr MacShane:** If it is of help to the Committee I will ask the aviation legal experts that we have and in the DTI to let you have a note because I think it would be helpful for all of us.<sup>3</sup>

**Mr Maples:** And how EU law fits into that or whether it has any relevance at all. That would be very helpful.

**Q189 Mr Hamilton:** When we were in Cyprus we obviously met a great number of interesting people, as you will have done when you were there just a few days before us, and one of the people we met was former President George Vassiliou—indeed, he was one of our first interlocutors on the day we arrived. What I found very interesting though about our questioning of former President Vassiliou who, even though he was President quite a long time ago is not such an old man today, was that he claimed that under different leadership the Greek Cypriot community in Cyprus would have voted for the Annan Plan, for Annan Five. Do you believe him?

**Mr MacShane:** You are asking me to be a Greek Cypriot or a cephalogical expert in Greek Cypriot voting patterns. I genuinely do not know. I have to say, though, that the 85% vote is quite a strong statement—

**Q190 Mr Hamilton:** I think it was 76%.

**Mr MacShane:** Sorry, forgive me, a three quarters vote in a particular direction, the idea that different political positions and expressions of leadership might have changed that dramatically—I do not know. I wish obviously that everybody campaigned enthusiastically for the Annan Five Plan but that was not the case.

**Q191 Mr Hamilton:** It was interesting that the political party AKEL, which is quite influential in Cyprus, decided ultimately to recommend a “no” vote and a lot of people told us that more influential than President Papadopoulos or any other individual would have been the decision by AKEL to vote in favour of the Annan Plan. Have you any comment on that?

**Mr MacShane:** Not really. I read the report in telegrams on the debate inside AKEL which, as you rightly say, is a very powerful political force representing a great number of Cypriots and discharges its political responsibilities in a very serious, responsible and mature way and there were

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<sup>3</sup> Please refer to the supplementary memorandum submitted by the FCO, Ev 58, Ev 60.

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people listening perhaps to the tom-toms in the undergrowth and no political party necessarily wants to be on the wrong side of a referendum vote.

**Q192 Mr Hamilton:** I think what you are saying seems to be that there was an underlying wish amongst Greek Cypriots to vote against Annan Five and that the leadership of the political parties and of the country pushed it further in that direction, rather than the opposite?

**Mr MacShane:** I genuinely do not know. You are asking me to be a Greek Cypriot voter or a Greek Cypriot political scientist. I am not. I would wish consistently that certainly, as Europe has changed in the last few years and as Turkey has, we could have had over the last few years language saying yes to a settlement, yes to a Europe, yes to both communities joining, but as you know it is quite common in politics, people get very excited by the idea of saying no to Europe, no to partnership, no to being fully part of the European Union. It is an infectious disease that is not contained simply in Cyprus.

**Q193 Mr Hamilton:** Just to conclude, not particularly for answer but just to comment, that we heard from a Turkish Cypriot leader who I think is a member of Mr Talat's party and who was very dismissive of the continuation of the presence of Turkish troops. He said we would be a lot better off, if I am interpreting him correctly, without Turkish troops on Cypriot soil. I thought that was very encouraging. You do not have to comment.

**Mr MacShane:** I cannot find in my heart massively to disagree with all of what he said.

**Q194 Mr Pope:** Is not this the key to it, following on from that? You said at the beginning that if you were an adviser to Kofi Annan you would say, "Walk away from this, no point sending another special envoy, no point having another referendum, no point having further negotiations", and surely it is worthwhile having another go at this because maybe the gap is not so great. One of the things that seemed to us when we visited to be a big concern of the Greek Cypriot community was Turkish troops on the island. Now, the Annan Plan says that over a period of I think 19 years there will be a phased withdrawal. Well, that is a great deal of time. Why can we not go back and suggest to Turkey that a faster withdrawal of Turkish troops would be a really good idea? You said yourself that a division seen going back to mainland Turkey would send the right signal. Why can we not make a suggestion that a more rapid withdrawal of Turkish troops would be a good idea? It could be replaced perhaps by an EU or a NATO force if people felt they needed that for security. You could then talk around the edges—I certainly do not think that the Annan Plan should be ripped up and we could start again—just around the edges about settlers, right of return, not greatly altering the Annan Plan but round the edges, and with some goodwill it may just be worthwhile putting this back to another referendum in 2005. Is that not worth a go?

**Mr MacShane:** If there was the slightest evidence from either side that some alteration in Annan Five would do the trick I would agree with you, Mr Pope, but I just have to report honestly to the Committee—it is not simply my visit to Cyprus, it is regular contacts with both sides—that I do detect any willingness to get close to reversing the April decision in the immediate future. Under the Annan Plan by the year 2011, that is barely one British Parliament away, there would be just be 3,000 Turkish troops left, a tenth of the existing number. Seven years later, again compared with the thirty years since 1974, or 44 years since 1960, that will be down to 650, so I am not really sure what could be on offer that would improve what was indicated in the plan.

**Q195 Mr Pope:** But is not Mr Maples right in this: that the alternative to that, which is essentially to do nothing, that yes, we have the EU summit coming up on 17 December and we can talk about an accession date for Turkey, but in terms of Cyprus just doing nothing is a recipe for a *de facto* partition of the island?

**Mr MacShane:** We are not doing nothing. We are visiting; EU officials are visiting; there are constant talks around this in the EU Council; Cyprus is getting more collective EU attention from the 24 than perhaps it has ever done in the past. The House of Commons is well seized of it, your Committee is evidence to that, so there is a lot of nudging and pushing but I still respectfully have to say that the people who need to move are the two sides on the island and there is not a lot of evidence at the moment that they are moving out of their position of saying "We are right and the other side is wrong".

**Q196 Mr Pope:** Could I respectfully suggest that there is not anywhere near enough nudging and pushing going on? You have already said that it is not really a matter for the EU any more than resolving Northern Ireland or Gibraltar is a matter for the European Union. These are rightly jobs for the United Nations but the United Nations is showing precious little interest in reviving a modified version of the Annan Plan, nor is the United Kingdom government, and, frankly, what pressure is there being brought to bear on the government of Cyprus? At the moment they have everything they want. They are in the European Union. They can veto trade with Northern Cyprus. They can veto aid to Northern Cyprus and they are not under any pressure from anybody?

**Mr MacShane:** On the contrary the government of Cyprus feels under immense pressure because Turkey is vetoing the government of Cyprus joining international organisations where Turkey has veto rights, so the government of Cyprus feels it is not getting fair treatment from Turkey in terms of international treaty organisations it would like to join. It does not have normal trade; ships with wonderful goods to sell cannot land in their immediate market, so everybody is under pressure. Believe me, and I confess perhaps a failure as a Europe minister, I have not been able to come up

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with the mechanism that can take this forward at this point in time. All I can tell the Committee is that the British government takes it very seriously. We feel that we have a mandate from the European Council meeting at the end of April to improve the lot of the people of Northern Cyprus who are EU citizens. We think that is a duty that should be discharged and that, if you like, is where we are putting on a lot of pressure and doing more than nudging, as I tried to report to the Committee, and that is the important way forward. We have made clear to all concerned “Here is Annan, come back to it. If you can find partial proposals on the way forward, good, we will welcome them”.

**Q197 Mr Pope:** I am grateful for you saying that people who live in Northern Cyprus are citizens of the EU. I think that is an important point to make, and we have some responsibility there—

**Mr MacShane:** May I just make a point through the Committee? I remember when I lived and worked in Switzerland that as the European Union gradually surrounded Switzerland on all sides—Italy, Austria, Germany, France—suddenly Swiss citizens desperately proud of their Swiss passports and Swiss nationality, found that they had grandparents or great uncles who were Frenchmen or Italians and applied for French passports so they could go and buy property, work, live, travel, without having to go through all the visa and passport controls they had to because they were without the EU. I certainly think that every Turkish Cypriot should go tomorrow and get a Republic of Cyprus passport even if they feel that is something being issued by a Greek Cypriot government. It belongs to them as European Union citizens which they then can use to travel freely to trade, to work inside the whole of the European Union, and they can carry whatever other papers they want like the Swiss carries a Swiss passport and a French passport to go about his business, but there are many more what you might call individual citizen’s actions that could be taken, as we saw last year with the marvellous demonstrations going across the border, and perhaps it is a bit more of that and a bit less of the hope that it is the super top down diplomacy that would solve the problem that we need to encourage.

**Q198 Mr Pope:** I certainly agree with most of that but I think there is possibly a case for one more heave with what you refer to as “top down diplomacy”. There were plenty of rumours a few weeks ago that Kofi Annan was considering appointing another special envoy to see if there was some small alteration to the Annan Plan, and there were even names mentioned as to who that may be. Could I urge the Minister, after we have gone through the next EU Summit in the new year, to at least explore that with the United Nations?

**Mr MacShane:** I can give you that assurance.

**Q199 Sir John Stanley:** Just following on from the comment you made a few moments ago, can you identify for us the international organisations that

the Republic of Cyprus wishes to join where entry is by unanimity and where the government of Turkey has exercised its vetoes?

**Mr MacShane:** One that has much exercised them recently is the Turkish veto on them joining the Missile Technology Control Regime which the government of the Republic of Cyprus wanted to join and Turkey vetoed. I can provide a list of other organisations.

**Chairman:** Would you please provide a list to the Committee? I think that is the best way to forward on that, Minister.<sup>4</sup>

**Q200 Sir John Stanley:** Could I just for the record ask you to confirm that it is the case that the unilateral offer to surrender significant amounts of land in Sovereign Base Areas to the Republic of Cyprus government, that that offer in the context of Annan Five has been withdrawn and is now off the table?

**Mr MacShane:** It is null and void now because it is part of the Annan Plan to surrender that land to what would have been the unified government of the unified island of Cyprus. It is there in Annan Five; Annan Five is dead for the time being—it has been rejected thanks to the Greek Cypriot referendum, so it does not exist as an offer.

**Q201 Sir John Stanley:** Are there any circumstances in which that offer could be put back on the table by the British government?

**Mr MacShane:** I think in the context of a comprehensive settlement, but I have to say I have not been asked or invited to discuss that by anybody on the island as an issue in and of itself. I think the Sovereign Base Areas they are that; they are not part of the Cypriot territory prior to 1974; I understand the Committee drove through the eastern Sovereign Base Area near Famagusta, as we all do, and we can see it was just huge tracts of sheep grazing land and no problem in handing some of it back, but in the context of an agreement there is not any pressure that I know of on HMG to make that a bilateral question with the government of the Republic of Cyprus.

**Q202 Sir John Stanley:** But the formal position of the British government as stated by you, and it is an important point so I just want to get the wording right for the record, is that in the context of a comprehensive settlement, the unilateral offer by the British government to transfer some of the land in Sovereign Base Areas to the government of Cyprus might be put back on the table?

**Mr MacShane:** “Might”; it is conditional in that sense. It was made in good faith to help move the process along. I would assume, I cannot bind successors of course, that if we felt that that would be a dealbreaker then, of course, we would not want to stand in the way of agreement.

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<sup>4</sup> Please refer to the supplementary memorandum submitted by the FCO, Ev 59.

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**Q203 Mr Maples:** On the question of the Sovereign Base Areas, what I have to confess I had not realised until I visited them was that there were actually villages within the Sovereign Base Areas and in one case half the village was in the Sovereign Base Area and half was outside. It seemed to us that there perhaps some unilateral interests in the United Kingdom in giving up little bits of this because it would have solved or at least ameliorated a lot of the administrative problems, and a good deal of smuggling was thought to go on through the Sovereign Base Area from the north to the south which necessitated the presence of quite a lot of British Customs officers there, but we were told that the reason for not being able to do anything outside the context of an overall settlement was that Sovereign Base Areas were part of the treaties establishing Cyprus in 1960 and that any change to that would require the consent of both Turkey and Greece, and that this was a complication. However, in the context we talked about of maybe piecemeal moves towards the Annan Plan I hope that the government would keep in mind the possibility of any bits of Sovereign Base Areas that would have been surrendered under Annan Five, if bits of those could be as part of a piecemeal implementation of Annan, I hope we would look on any such proposal constructively as long as Turkey and Greece were both prepared to support it.

**Mr MacShane:** It is that, is it not? The relationship with the Greek and Turkish Cypriot authorities is very good on the policing and the transit and yes, the smuggling problems. There has to my knowledge, in my two years plus as a European minister, never been the slightest suggestion or demand from anybody on the island that the land should be due, some of it handed back. It was put there into the Annan deal as a gesture of goodwill by HMG, certainly since the rejection in the referendums. Again, I only report what has come across my desk. I have not seen a bit of paper or had raised with me in any way, shape or form any suggestion that the Sovereign base areas were particularly relevant. They are very useful and important to the British defence facility and in the context of NATO and the stability in the eastern Mediterranean and transit ports for humanitarian aid and so forth; we know all that.

**Q204 Chairman:** We have heard varying estimates of the number of mainland Turks living in North Cyprus. Would the Government favour a census under international law auspices to determine the status of those living in the north?

**Mr MacShane:** I would not have any problems with it. There is movement, as you know. Just as it is sometimes difficult now in the modern European Union to establish all the number of people who cross freely between one country and another, there are different estimates made. I certainly think just from the pure requirements of administration it should make sense—

**Q205 Chairman:** It would make sense and we would favour it?

**Mr MacShane:** I certainly would favour the Turkish Cypriot authorities being able to announce clearly the number of people and where they came and where they were born and to put that in the public domain.

**Q206 Chairman:** With respect, it is not a matter of the Turkish Cypriot authorities announcing clearly; it is a matter of having some census which has international credentials and there has to be some form of international supervision for credibility purposes?

**Mr MacShane:** No, I am sorry. All authorities, whether it is a local council or a national government have to know the number of people living under their administration in order to decide allocation of schools, housing, land, water, electricity. This is just a norm for any sensible administration.

**Q207 Chairman:** But surely this is different? This is such a politically-charged question it would have to be done in an objective way?

**Mr MacShane:** I will certainly look into that. I do not really think it makes a huge difference to deciding whether the fairly overwhelming votes by the Turkish Cypriot voters was valid or not. Estimates do have value. I am happy to consider this as a possibility. I have to say it has not been raised and put to me as a particular issue, but I am happy to look into it and write to the Committee.<sup>5</sup>

**Q208 Mr Maples:** When we were there there was clearly a big dispute between the two sides as to how many Turkish settlers there were. The Greek Cypriots said there were 119,000 and the Turkish Cypriots said—I have forgotten the number but it started with eight I think, and it was simply the suggestion that this was going to have to be resolved. It was clearly a big problem in the negotiations how many of the settlers would stay, and I think the suggestion was that maybe one of the things that could be done is to get some objective measure as to how many settlers there are in the north and then the question of how many might be entitled to citizenship might be a little easier to resolve.

**Mr MacShane:** It is true that in the Annan Plan there was an up limit of 45,000 settlers that would be allowed to stay in the north were the island to be reunited, and I assume from memory reading the Plan there was provision in it on how you would establish who was a settler, who was a second generation settler, to use that terminology. But yes, I accept fully it would be good to know the numbers on the island. I was very struck in the Karpaz Peninsula by a lovely village where there was a school for Greek Cypriot children who still remained on the peninsula that had been opened since Mr Talat had taken power, and there was a woman there teaching art who spoke with the most perfect English accent and her daughter was there who taught in the King's School—not in Canterbury but in a Kent town, maybe Chatham—and the woman had been brought up in London but the

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<sup>5</sup> Please refer to the supplementary memorandum submitted by the FCO, Ev 59.

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daughter had been brought up in Nicosia, and it seemed to me they were living between England and Cyprus almost without—I am not sure whether they were British or Cypriot citizens, and where they would be counted for census purposes. Cyprus has always been an island with a great deal of population movements in all directions.

**Q209 Chairman:** But are we to conclude that the Government would favour clarification of the status of those in the north by an international supervised census?

**Mr MacShane:** I would like to know the numbers. If that requires an international supervised census, it seems to me—

**Q210 Chairman:** But that is the position?

**Mr MacShane:** No, it is an important point which I have not had put to me—I am sorry, you have obviously met different people—that that was a huge issue, so I do not want to suddenly announce this afternoon that we are proposing—

**Q211 Chairman:** No, that we would favour it?

**Mr MacShane:**—that an international body goes into Northern Cyprus and starts counting people. I am not sure that is particularly helpful at this stage. So I would make my own inquiries into whether that really is—

**Q212 Chairman:** And reply to the Committee?

**Mr MacShane:** I will certainly reply to the Committee on that question.

**Q213 Chairman:** Moving on, Minister, you will know that at the 11th hour there was an attempt by the US and United Kingdom governments through the UN Security Council to provide security guarantees for the Greek Cypriot population which was vetoed by Russia. One of our witnesses, Lord Hannay, said this was at the instance of the Greek Republic of Cyprus, the Greek Cypriot; another senior Greek Cypriot on the island told our colleagues that it was the Turkish Cypriots, or rather Turkey, which had sought that. What is our view?

**Mr MacShane:** I genuinely do not know. I can only give you two facts. I know Mr Iakovou, the Greek foreign minister, was in Moscow around the time just before the veto. I also know that the Republic of Cyprus government voted against the resolution. All I can say is that I thought that was an extraordinarily unhelpful veto but there we are. In the UN countries like to use or threaten vetoes and we just have to live with that and it is in the rule book.

**Q214 Chairman:** Back on the UN, just for clarification, Annan Five is dead. Do you believe there is any prospects within an immediate future of the UN again addressing the problem?

**Mr MacShane:** I believe that the UN is the body that has to engage with Cyprus. It is not a problem to be solved by the EU or by the Treaty of Guarantee powers. We need to see that there is clear willingness on both sides to resolve the Cyprus problems

through a bi-communal or bi-zonal federation, and that willingness must be publicly and explicitly demonstrated.

**Q215 Chairman:** And you do not see any immediate prospect of that willingness being evident?

**Mr MacShane:** I did not in my visit or in any of the reported telegrams or any of the discussions I have had, let us just say since April, seen the demonstration of that willingness—and this is what Kofi Annan is arguing for, a demonstration of willingness. It is my wish and the government's wish that people would wake up to the fact that a united Cyprus will benefit all citizens of Cyprus.

**Q216 Chairman:** But if a condition precedent to the UN seeking to address itself again to the problem is a clear expression of the willingness on behalf of both the parties, your conclusion is there is no immediate prospect of the UN again addressing the problem?

**Mr MacShane:** What Kofi Annan said in his report on his mission of good offices was that the Security Council “would be well advised to stand ready to address concerns”; this is to do with security in the implementation of the plan. So yes, I think the door is open at the UN, but we need our friends in Cyprus to be willing to walk through it.

**Q217 Chairman:** And I understand that you have personally studied the Cyprus problem for a long time, yet you seem to indicate that you did not realise that the continued existence of Turkish troops on the island would be a severe provocation to the Greek Cypriots. Is that true?

**Mr MacShane:** No. I have heard that point made. I am just saying that 650 troops, as provided for under the 1960 Treaty, does not seem to me to constitute a mammoth force of occupation or disturbance.

**Q218 Chairman:** That may be true but there has been a rather important development since, namely the Turkish invasion in 1974, do you not think?

**Mr MacShane:** I accept that, but equally I have to invite the Committee to look at the important developments in terms of the Turks who suffered in the various inter-communal problems that arose between 1960 and 1974. When I talk to the Turkish Cypriots they talk in terms of pogroms and massacres and all the rest of it. I am not being judgmental, so if there is an alternative because Turkish troops are members of NATO, if there is another way of badging this ultimate force, so be it, I would not object to that, but I do think that it is wrong to hide exclusively behind that issue.

**Q219 Chairman:** It is not a question of hiding exclusively; it is for the Greek Cypriots a major point of principle. Would the United Kingdom government seek to take an initiative to explore whether the replacement of Turkish troops by US or EU troops might prove a way of resolving the problem?



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16 November 2004 Mr Denis MacShane MP and Mr Dominick Chilcott

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**Mr MacShane:** Well, the difficulty is if it is US or NATO—and I have not ever had the slightest indication that the United States should station troops in Cyprus—if it is NATO, Turkey is in NATO, the Republic of Cyprus is not. If it is the EU, under the ESDP flag, the Republic of Cyprus is part of that but Turkey is not.

**Q220 Chairman:** You set out the difficulties. Are you saying that you do not think it worth seeking to explore that change?

**Mr MacShane:** I had no suggestion from any of my interlocutors, particularly on the Republic of Cyprus side, that simply inviting another power's troops to come in would do the trick. If they announce that and put a proposition to us and say "We are ready to go out and campaign for Annan Five but simply with tweaking in terms of troop levels", that would be very interesting. If we could have an assurance from President Papadopoulos and all AKEL and all the parties in Cyprus, "Give us fewer Turkish troops or security troops badged in a different way, whether from another foreign power, from NATO, the EU, and that opens the door and we will sign up for Annan Five", that would be a very interesting proposition but I do not know if the Committee felt that such a statement was likely to emerge at the moment from the different leaders of the government of the Republic of Cyprus and the Greek Cypriot region.

**Q221 Chairman:** You have quite properly said you are wary of top down solutions and much must come well up from the people from the two communities. I know Friends of Cyprus have said that there should be much greater efforts to build bridges between the two communities, perhaps in London but also on the island itself. Does the United Kingdom government have any specific initiatives in this field to break down the barriers of suspicion between the two communities on the island?

**Mr MacShane:** To encourage them. They can both freely walk across the Green Line now. I do remember in the past that some, particularly parties on the left, were talking to each other thinking the

problem in Cyprus was one of class politics rather than national differences but I think we have now seen that the division in Cyprus, alas, has become such in the last 30 years that people are Greek first or Turkish first rather than workers—

**Q222 Chairman:** That said, are we prepared to broker any initiatives to—

**Mr MacShane:** Our High Commission does. It organises and is used regularly for meetings, and I really do think that putting AKEL and let us say one of the left wing parties of the Turkish Cypriot community together—you do not need the British government to do that; they do it anyway across the Green Lanes, let alone the Green Line, in London. These meetings and discussions take place all the time. Believe me, I understand the desire of the Committee to find solutions and ways forward; I would love to see them. We have conferences at Wilton Park and Ditchley Park; there is one organised early next year involving Cyprus at Wilton Park to which all the members of the Community will come. I assisted at one in Hydra, the Greek island, where Turkish Cypriots were present as well as Turkish political leaders and representatives. Those discussions are happening all the time.

**Q223 Chairman:** Can you give us a list whilst you are writing to the Committee saying what has been done by the High Commission, by HMG over the past 12 months and what we are planning over the next 12 months?<sup>6</sup>

**Mr MacShane:** By all means. With pleasure.

**Q224 Chairman:** Very helpful. May I thank you on behalf of the Committee. We understand the vast difficulties and we know that you will be doing what you can within the Union and elsewhere to build bridges.

**Mr MacShane:** I look forward to reading the Committee's report.

**Chairman:** Thank you, Minister.

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<sup>6</sup> Please refer to the supplementary memorandum submitted by the FCO, Ev 59.

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**Letter to the head of the Parliamentary Relations and Devolution Team from the Clerk of the Committee, 30 November 2004**

The Committee wishes to receive a supplementary memorandum on Cyprus, arising from the oral evidence sessions with Dr MacShane and with M. Pierre Mirel of the European Commission.

At Qq120-126, the Committee discussed with the Minister the possibility of direct trade with northern Cyprus, through sea ports and airports. The position with regard to airports was spelt out clearly, but the position with regard to sea ports was described, in the Minister's own words, as being "more fluid".

On the following day, the Committee explored this issue further with M. Mirel. At Qq250 and 258, M. Mirel explained that the proposed EU trade regulation, if agreed, would not of itself lead to the opening of ports or airports in northern Cyprus, but that, in the case of sea ports, the "importing Member State" would be responsible for ensuring that any "safety and security requirements" are met. The Committee infers from this that the Government of the Republic of Cyprus will have effective control over the opening of sea ports for direct trade with other Member States.

The Committee would be grateful to receive a full explanation of exactly how it is envisaged the trade regulation will operate in practice and, in particular, how it is proposed to ensure that the objective of direct trade through sea ports situated in northern Cyprus is achieved. I hope that it will be possible to send us this information to arrive not later than Monday 13 December.

*Steve Priestley*  
Clerk of the Committee

30 November 2004

#### **Letter to the Chairman of the Committee from the Minister for Europe, 14 December 2004**

When I gave evidence to the Foreign Affairs Committee enquiry into Cyprus on 16 November, the Committee asked that I reply in writing on a number of points. I attach four notes to this letter, covering the following issues:

- (1) Direct flights to northern Cyprus and our understanding of how the US and UK positions differ (Q188 refers);
- (2) A list of the organisations to which Turkey belongs, to which entry is by unanimity and where Turkey has exercised a veto to block Cyprus' entry (Q199 refers);
- (3) The Government's view on the desirability of an internationally monitored census of the population in northern Cyprus (Q212); and
- (4) Details of UK initiatives undertaken in the last year and planned for this year to encourage contact between the two communities on the island and facilitate reconciliation (Q223).

I hope these notes help to clarify the committee's questions. As ever, we remain happy to answer any further questions the committee may have.

*Denis MacShane*  
Minister for Europe

14 December 2004

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#### **Supplementary written evidence submitted by the Foreign and Commonwealth Office**

##### **DIRECT FLIGHTS TO NORTHERN CYPRUS**

1 Ercan—or Tymbou—Airport is the main commercial airport in northern Cyprus. It has been operating since April 1976 and currently handles about 16-20 incoming and outgoing flights and 70-80 overflights each day. Flight levels increase during holiday periods.

##### **THE EU DIMENSION**

2 Since 1 May 2004, the whole of the island of Cyprus is now in the EU but under Protocol 10 to the Accession Treaty, the EU's *acquis* is suspended in the north pending a settlement. The suspension of the *acquis* means that the EU open skies arrangements do not cover the north. EU operators wishing to fly to the north therefore need a route licence and to file flight plans with the relevant authorities in accordance with the appropriate national legislation.

3 The only way of changing this would be to withdraw partially the suspension of the *acquis* to extend open skies to the north. This would require a unanimous decision in the European Council. The Commission have made clear they consider flights to the north as primarily an issue for national governments and do not plan any initiatives themselves.

##### **UK LEGAL POSITION**

4 All direct commercial flights between the UK and airports outside the EU's open skies arrangements or other similar arrangements require permission either from the Civil Aviation Authority (for UK operators) or from the Department for Transport (for non-UK operators). The DfT also has various enforcement powers. Under the Civil Aviation Act 1982, the power to make provision for air services in an Air Navigation Order is expressed to be for the purpose of "carrying out the Chicago Convention."

5 Cyprus Turkish Airlines, a Turkey-registered carrier, flies between the UK and Turkey about 50 times a week. These flights then fly on to Ercan. HMG policy to date has been to refuse to issue permits for direct flights to north Cyprus. We have not yet reached a decision on whether to change this policy in response to the new situation created by the referenda of 24 April.

## US POSITION

6 The US Government has not yet made a policy determination on the issue of direct flights to northern Cyprus. We understand the US legal position is different to ours. The US has open skies arrangements with a range of third countries, including Turkey. We believe that pursuant to most of these agreements any carrier from the relevant third country can fly to the US via any intermediate airport without permission from the US authorities provided that the intermediate airport meets US security standards.

## ORGANISATIONS WHERE CYPRIOT APPLICATION FOR ENTRY HAS BEEN BLOCKED BY TURKEY

The Committee asked for a list of Organisations to which Turkey belongs, where entry is by unanimity and where Turkey has exercised its veto to prevent the Republic of Cyprus from joining. I should point out that the only examples we are aware of are those that have been brought to our attention by the Republic of Cyprus, who claim that Turkey has taken action to prevent Cyprus from joining the following organisations/initiatives:

- European Council of Ministers of Transport
- European Centre for Medium Weather Forecast
- European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT)
- Organisation for Security and Co-operation in Europe (OSCE) Open Skies Agreement
- Missile Technology Control Regime

The Republic of Cyprus has also claimed that Turkey has taken action to prevent Cyprus from joining the Organisation for Economic Co-operation and Development (OECD). However, it should be pointed out that Cyprus is one of 15 countries wishing to join, and as yet the OECD has not reached agreement on the candidature of any of these countries.

## CENSUS ISSUES IN NORTHERN CYPRUS

The Committee asked for the Government's view on whether we would favour a census monitored by independent international observers to accurately establish the number of people living in the north, including the number of people who had emigrated from the Turkish mainland.

As I said to the Committee at the time, we recognise the value of the Turkish Cypriot authorities being able to announce clearly the number of people and where they came from and where they were born and to put that in the public domain. I commented that it is a normal situation for any administration, whether it is a local council or a national government, to need to know the number of people living under their administration in order to decide allocation of schools, housing, land, water, electricity and so on.

The Government continues to believe that the Annan Plan represents the best possible basis of reuniting the island as a bi-zonal, bi-communal federation. We hope that the two communities on the island can soon resume negotiations on the basis of the Annan Plan. Establishing clearer figures on the population in northern Cyprus may well be a factor in these negotiations, and will of course affect the implementation of the plan if agreed. We think an accurate census would be a good thing. But the question of how to bring one about is best addressed in the context of renewed efforts towards achieving a settlement. It would be for the two communities on the island, in conjunction with the United Nations, to discuss the contribution that a census could make to the achievement of an overall solution. Obviously, any census in the north could only be conducted with the support of the Turkish Cypriot authorities.

As the Committee flagged up, this is a sensitive area but we can take some comfort from the fact that the parties made significant progress in this area in the course of the Annan Plan negotiations. The Foundation Agreement in the Annan Plan established the criteria of eligibility for Cypriot citizenship and residency. The federal citizenship law, as agreed by both sides during the negotiations, set out the detailed rules and procedures for granting citizenship of the new United Cyprus Republic. In the final version of the Annan Plan, the number of those resident in north Cyprus of mainland Turkish origin who could become citizens of the new Cyprus was capped at 45,000, with preference given to spouses of Turkish Cypriots and people born in Cyprus. Others eligible were identified on the basis of length of stay. Each side submitted to the UN before the referenda on 24 April a list of less than 45,000 persons who would acquire citizenship, in addition to those who had citizenship in 1963 and their descendants, on entry into force of the Foundation Agreement.

## INITIATIVES AND EVENTS ORGANISED BY THE BRITISH HIGH COMMISSION IN NICOSIA

As a general principle, the British High Commission (BHC) aims wherever possible to make its activities on the island bi-communal as does the British Council. The British High Commissioner regularly hosts a wide range of receptions and other events at his residence involving politicians, members of the business community, civil society, the media and other opinion formers from both sides.

Every year, the High Commission organises meetings between Greek and Turkish Cypriot Chevening Scholars. In early 2005, there will be a training seminar for Greek and Turkish Cypriot journalists on "Reporting the EU". Wilton Park will also be holding a conference in Cyprus, inviting representatives from both Greek Cypriot and Turkish Cypriot communities, as well as international experts, to discuss future prospects.

In the last year and looking ahead to next year, BHC efforts have focused particularly on EU training for both sides. The BHC works closely with the Government of the Republic of Cyprus on EU issues. Through an intensive programme of technical assistance we have shared our expertise and developed important and valuable links between our two governments. Because of our close ties and shared history, Cyprus is an important EU partner for the UK. Over the last four years the BHC's European Union Series of conferences, seminars and training workshops, developed and managed jointly with the British Council, has evolved into one of the largest EU public awareness programmes organised in the region. Over 60 major events have been held, and many of these (since the easing of restrictions on crossing the Green Line in 2003) attended by members of both communities.

However, given the different needs of the two sides, and as a result of the asymmetric relationships with the EU, it is not always appropriate to involve members of both communities in every event. An example of an activity necessarily confined to participation from the Greek Cypriot side has been a series of closely focused projects, conducted with the active involvement of the office of the EU Co-ordinator and the Government ministries, seeking to develop the capacity of the Republic of Cyprus's public administration to participate effectively in EU institutions, to develop EU policies and to implement European programmes.

BHC events in north Cyprus are designed to meet the twin objectives of a) bringing Turkish Cypriots closer to the EU and b) facilitating an eventual settlement and reunification of the island. Since February 2001, the BHC has been organising EU training courses for the Turkish Cypriot community. Over 1,200 people have received general or specialised training. Course participants included lawyers, judges, businessmen and women, journalists, teachers, as well as representatives from the public sector, political parties, trade unions and NGOs. Two more courses are planned before April 2005 for a further 300 people. Since 2002, BHC has organised bi-annual conferences aimed at giving not only those who have participated in the EU training courses but also the general public the chance to update and to improve their understanding of events and trends in the EU. Topics have included: the Constitutional Treaty, the Lisbon Process, Economic and Monetary Union, Regional Policy and the Single Market. A further conference will be held in March 2005.

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**Letter to the Clerk of the Committee from the Parliamentary Relations and Devolution Team  
Foreign and Commonwealth Office, 14 December 2004**

**CYPRUS—DIRECT TRADE AND PORTS**

Following the oral evidence session with Dr MacShane, the Foreign Affairs Committee asked for supplementary information on how the direct trade regulation would operate in practice and how it is proposed to ensure that the objective of direct trade through sea ports situated in northern Cyprus is achieved.

The Department for Transport has confirmed that a ship registered in the United Kingdom or in another Member State, and flying the flag of that member state, is free to trade to any part of the world in the absence of any UN sanctions forbidding entry to any particular state or port. There is currently no UN or other embargo on trade with northern Cyprus. Trade is already taking place with various EU Member States via ports in the north, although the volumes are not that significant. There are various reasons for this. These include the fact that northern Cyprus is neither part of the Community Customs Territory since the *acquis* is suspended in the north nor is there a relevant third country or other special trading regime in place. In addition, trade in any goods which need to be accompanied by formal paperwork is difficult since, following the *Anastasiou* European Court of Justice rulings, the EU does not currently accept the ability of any authority in the north to provide such documentation.

The direct trade regulation proposed by the European Commission is intended to address some of these problems. It will establish a preferential trading regime between the northern part of Cyprus and the European Union. In general terms, this allows goods which are either wholly produced or substantially manufactured in the north to enter the Community Customs Territory free from customs duties or other charges within the limits of annual tariff quotas. The Turkish Cypriot Chamber of Commerce is formally appointed as the body which certifies that the goods satisfy the rules of origin and that the appropriate checks have been carried out. Importing Member States bear responsibility for ensuring that goods from the north satisfy the appropriate safety and other standards.

The regulation does not specify how the trade is to take place. UK maritime transport is not subject to prior Government approval, unlike the provision of international air services. Therefore it will be for private traders to consider all the commercial and legal factors, including any implications for them of the domestic law position of the Republic of Cyprus.

*Chris Stanton*  
Parliamentary Relations and Devolution Team  
Foreign and Commonwealth Office

*14 December 2004*

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**Wednesday 17 November 2004**

Members present:

Donald Anderson, in the Chair

Mr Andrew Mackay  
Andrew Mackinlay  
Mr John Maples

Mr Greg Pope  
Sir John Stanley  
Ms Gisela Stuart

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**Written evidence submitted by M. Pierre Mirel, Enlargement Directorate, European Commission**

RELATIONS BETWEEN THE EU AND CYPRUS

1. ACCESSION OF A DIVIDED CYPRUS

In 1990, the government of the Republic of Cyprus applied for EU membership in the name of the whole island. Drawing on the European Commission's opinion of 1993 the Council decided in 1995 that accession negotiations with Cyprus would start. In return, Greece gave up its long-running veto against the establishment of a customs union between the EC and Turkey. When the negotiations started in 1998, President Clerides invited the Turkish Cypriots to be included in negotiations, an invitation that Mr Denktash declined.

As for the conditions of Cyprus' accession, a similar package deal was concluded at the European Council of Helsinki (1999). On the one hand the Council accepted the Greek demand and decided that its decision on accession would "be made without the above [a solution to the political problem] being a pre-condition." On the other hand, the European Council stated that "Turkey is a candidate State destined to join the Union on the basis of the same criteria as applied to the other candidate States".

On 1 May 2004 Cyprus became a member of the European Union. There are two specific protocols to the Act of Accession 2003 concerning Cyprus:

- Protocol 3 on the British Sovereign Base Areas and
- Protocol 10 on Cyprus defining the terms of Cypriot accession in view of the de facto division of the island (attached to this memo).

The main features of this Protocol 10 are the suspension of the *acquis* (the EU body of legislation) in the north (Article 1) and the enabling clause (Article 4). In view of the spirit and purpose of the Protocol, the *acquis* suspension is to be understood territorially, meaning that Turkish Cypriots enjoy the (personal) rights deriving from EU citizenship. Article 4 keeps the doors open for the Turkish Cypriots as it enables the European Institutions to adapt—in the event of a settlement—in a simplified procedure the terms of Cyprus' accession with view to the Turkish Cypriots. In addition, Article 2 of Protocol 10 provides a legal basis for a special regime defining the terms under which EU law will apply to persons, goods and services crossing the line (see below 2.). Article 3 ensures the possibility of assistance to the northern part after accession of a divided Cyprus (see below 3.)

2. GREEN LINE REGULATION

On 29 April 2004 the Council adopted the so-called Green Line Regulation based on Article 2 of Protocol 10 (Council Regulation 866/2004). It provides for special rules concerning the crossing of goods, services and persons. The Regulation had to take account of the particularity of the situation and the political sensitivities on the island. It had to cover, inter alia, issues like prevention of illegal immigration, customs, food safety, taxation, and travel facilities. Generally speaking, it was important to find a balance between the need to establish a clear legal framework and the need to avoid the deepening of the divide.

The implementation of the provisions related to the crossing of persons is running fairly smoothly. Free movement of EU citizens throughout the island, irrespective from their point of entry, is ensured.

The Green Line Regulation has become fully operational as regards trade only on 23 August 2004, when specific (implementing) rules concerning the crossing of goods entered into force. During the two months since the Green Line Regulation is operational, goods worth only €100,000 crossed the line. The main products were lead ingots, terra umbra, paper, vegetables and melons. Unfortunately, there are still many obstacles. One technical example is the question of recognition of Turkish Cypriot truck driving licences. More spirit of cooperation and trust between the two communities is needed for a proper functioning of the Green Line trade.

In the light of the experience gained since the Regulation is operational, the services of the European Commission reflected on possible amendments with the aim to further facilitate the crossing of the line and to contribute thereby to the integration of the island. Just to give an example: rules concerning travellers could be relaxed (currently the value of goods contained in the personal luggage must not exceed €30 per person; this ceiling could be increased). Furthermore, trade in certain agricultural goods (in particular citrus fruit as the main export good) as well as in animals and animal products (such as fish and honey) should be facilitated.

### 3. SUPPORT TO THE TURKISH CYPRIOT COMMUNITY

Responding to the invitation of the Council following the outcome of the referenda on the Annan Plan,<sup>4</sup> the Commission proposed on 7 July 2004 a comprehensive package of aid and trade measures which aim to put an end to the isolation of the Turkish Cypriot community.

The financial instrument (€259 million 2004–06) is expected to be adopted by the Council on 23 November after the EP has given its opinion. The Commission would entrust the European Agency for Reconstruction (currently responsible for the management of EU assistance in the Balkans, located in Thessaloniki) with the implementation of large infrastructure projects under this regulation.

The fate of the regulation for direct trade between the north and EU-24 is somewhat unclear. Cyprus is categorically opposed to the direct trade regulation. The question of the appropriate legal basis remains open. Discussions in the Council continue on this proposal. The Turkish Cypriot side made it clear that the direct trade regulation is much more important than the financial assistance. The reasons for the need for direct trade are:

- the isolation of the Turkish Cypriot community can only end if we render direct contacts possible;
- economically more advantageous to trade directly than via middle-men and other ports; besides, preferential conditions should help exporting the products;
- at present trade with the areas is in principle open and takes already place under non-preferential conditions in a limited scale (in 2003 exports from the areas to EU Member States amounted to approx. US\$13 million)
- trade across the Green Line is just not sufficient—there are too many obstacles (eg driving licences). During the first two months since the Green Line Regulation is operational, goods worth only approximately €100,000 crossed the line. This is definitely not sufficient to end the economic isolation of the Turkish Cypriots.

Under the umbrella of the UN talks on the island, the European Commission has started a process of explaining the EU body of legislation (*acquis*) to the Turkish Cypriots in February/March 2004. Arrangements are progressing well concerning support to alignment with and preparation for the implementation of the *acquis* in the northern part of Cyprus. Meetings involving Member States expert teams, Turkish Cypriot participants and the different European Commission services as well as expert missions to the north take place constantly organised by the European Commission service for Enlargement (TAIEX office).

Finally, a pilot project on de-mining activities in Cyprus was launched (worth €2.5 million), the implementing agency being the United Nations Development Programme (UNDP). The clearing of mines in the buffer zone started on 16 November.

### 4. PEACE PROCESS

Although the prospect of EU accession served as a catalyst towards more focused efforts to foster a comprehensive settlement of the Cyprus problem (conclusions of the accession negotiations in December 2002 in Copenhagen, peace talks in The Hague in March 2003 with a view to the signature of the Accession Treaty, Bürgenstock talks and the referenda just before accession), and in spite of manifold EU support of the UN peace process, a solution to the political problem has not yet been reached.

The UN plan for a comprehensive settlement of the Cyprus problem failed to gain the necessary support at the simultaneous referenda held in Cyprus on 24 April. While the Turkish Cypriots approved it by a margin of 2:1, Greek Cypriots rejected it by a margin of 3:1. The Annan Plan is therefore null and void.

<sup>4</sup> The Council stated on 26 April 2004: “The Turkish Cypriot community have expressed their clear desire for a future within the European Union. The Council is determined to put an end to the isolation of the Turkish Cypriot community and to facilitate the reunification of Cyprus by encouraging the economic development of the Turkish Cypriot community. The Council invited the Commission to bring forward comprehensive proposals to this end, with particular emphasis on the economic integration of the island and on improving contact between the two communities and with the EU. The Council recommended that the €259 million already earmarked for the northern part of Cyprus in the event of a settlement now be used for this purpose.”

In the report on his good offices mission of 28 May 2004, the UN Secretary-General welcomed the decision of the Turkish Cypriots and called the decision of the Greek Cypriots a “major setback”. In his view the Turkish Cypriot vote has “undone any rationale for pressuring and isolating them”.

In his report on the work of the organisation of 20 August, the UNSG repeated that he sees at present no basis for resuming his good offices in Cyprus. He expressed his hope that the Greek Cypriots would “reflect on their position so that future efforts can have a good chance to succeed.” The UNSG repeated his call upon the Security Council to encourage States “to lift unnecessary barriers that isolate the Turkish Cypriots and impede their development.”

No new international initiative is to be expected in the near future. Cyprus neither does not seem to have a plan/idea to break the deadlock. Concerning its possible role in a new process, the European Commission remains ready to support efforts towards a settlement that would permit a reunified Cyprus to be fully integrated in the European Union.

In the event of a settlement, the EU will make use of the enabling clause (Article 4 of Protocol 10) and adapt the terms of Cyprus’ accession with regard to the Turkish Cypriot community.

[Note: This memorandum is not an official, formal European Commission document. It is merely a factual paper to help understand where the EU stands in its relations with Cyprus.]

11 November 2004

## 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.

*Witness: M. Pierre Mirel*, Director, Enlargement Directorate, European Commission, examined

**Q225 Chairman:** Order. Mr Mirel, can I welcome you to the Committee. As you know, we are carrying out this inquiry into Cyprus, the possible ways forward, and a group from the Committee, led by John Maples, visited Cyprus last week, in fact, and he will be ready to ask questions. Can you begin by stating precisely what is your role in the Commission before I turn to Mr Maples?

**Mr Mirel:** Yes, Chairman. Thank you very much, first of all, for having invited the European Commission representative. I appreciate that you would have liked Mr Verheugen to be here, to be present. Unfortunately, as you know, these days he is legally indisposed and, therefore, unfortunately he could not be present. Since July 2003 I have been responsible for the accession of the ten accession, now new, Member Countries, including Cyprus. Of course, since 1 May I am not dealing any more with the other nine countries but exclusively with Cyprus until probably in a few days where I will be also in charge of Turkey.

**Q226 Mr Maples:** The negotiations that were conducted with Cyprus that Mr Verheugen has talked about, you were presumably with him at all of those and probably had meetings of your own that he was not present at?

**Mr Mirel:** Yes, except one important meeting in Bùrgenstock. I did not participate at the meeting in Bùrgenstock. I stayed in Brussels to organise and provide all the technical support, in particular legal advice, that the Commission had promised the European Council to provide to the United Nations to help in finding a solution within (and that is important, I think) the EU legislation. Therefore, we provided technical advice, and legal advice in particular, to make sure that the Annan plan would be in conformity with the key principles on which the EU is founded.

**Q227 Mr Maples:** Mr Verheugen said after the Cyprus referendum, when talking about the way the negotiations had been conducted, that he felt “cheated”, was the word that he used, by the Greek Cypriots. Is that a view with which you concur?

**Mr Mirel:** I know he said that. I was at the European Parliament when he made that declaration. Certainly he was extremely disappointed and very,

very sad, not just him, but we all were, because we thought that a very important opportunity had been missed at the time.

**Q228 Mr Maples:** Mr Verheugen was implying when he used the word “cheated” that he had been in some way lead to believe that the Greek Cypriots were negotiating in good faith, or were willing to reach a settlement along these lines and then go back to Cyprus and campaign for a “No” vote; that in some way they did not behave straightforwardly. Is that the implication of what he is saying?

**Mr Mirel:** As you know, this goes back to 1995, when the deal was made whereby we would accept the membership application of Cyprus and would accept to open accession negotiations in exchange for Greece accepting a Customs Union with Turkey. A few years later in Helsinki, December 1999, a similar deal was made a step further, in actually saying that, even without a political settlement in Cyprus, Cyprus would be accepted as a Member State, and Turkey was granted the status of a candidate state. Therefore we all believed—and it was a whole strategy at the time—that this sort of two-track approach would provide sufficient incentives and pressure to make sure that the negotiations under the UN umbrella would be successful. Therefore, yes, at some point, we were all extremely disappointed at the outcome.

**Q229 Mr Maples:** I think we are all disappointed, obviously, but does it go any further than that? You say you were not at Bùrgenstock, but if you were in Brussels you were presumably in touch with what was happening there. Do you feel in some way misled by the way in which the Greek Cypriots negotiated? Did they lead you to believe that they were in favour of concluding an agreement along these lines and then, essentially, reneged on that and adopted a different position in the referendum?

**Mr Mirel:** That was, indeed, our feeling. We thought that having accepted this two-track approach that would lead almost naturally to a successful conclusion. Then, I guess, the Greek Cypriot politicians, in my view, did not make enough efforts to convince their electorate and to prepare their electorate to accept the necessary compromises, and, more than that, I think that what strikes me is that over the past years most Greek Cypriot politicians have been looking more at the past than looking at

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the outcome of a new situation, and the world has changed, the situation has changed in the region. When you have Turkey being a candidate country, obviously you are not in the same position, are you?

**Q230 Mr Maples:** These negotiations were going on in accordance with the Annan plan under which, if my memory is right, the parties had agreed that if they could not reach agreement, they would leave it to the Secretary-General to lay down a text. When that text is produced the Greek Cypriot Government then starts a “No” campaign, which I understand—and we were in Cyprus last week and we were told it was amazing how this “No” campaign clicked into action—must have been prepared well in advance, with posters, leaflets and campaign slogans. Is it negotiating in good faith if, on the one hand, you are talking to you and Mr Talat and the Secretary-General and on the other hand you are preparing a campaign, not just not to persuade the people of Cyprus, but to dissuade them, to persuade them to vote “No”?

**Mr Mirel:** It was certainly extremely frustrating for all those who believed in the process, who believed that this double-track approach would lead to a successful conclusion.

**Q231 Mr Maples:** Do you think that Mr Papadopoulos ever wanted an agreement along the lines of Annan 5?

**Mr Mirel:** I would leave that for historians to come to a conclusion.

**Mr Maples:** You are more of a diplomat than Mr Verheugen!

**Q232 Chairman:** One question before Mr Pope and then Mr Mackay. Some claim that Mr Verheugen was debarred from putting the case for a “Yes” vote on the media in Cyprus. What is the EU view of that?

**Mr Mirel:** I remember that former President Vassiliou deplored in a press conference that Mr Verheugen did not have an opportunity to actually present the outcome of the negotiations.

**Q233 Chairman:** Had he actually formally sought to do so?

**Mr Mirel:** Unfortunately, Mr Verheugen is not here to answer your question, Chairman, but certainly he would have been very pleased to have the opportunity to answer.

**Q234 Chairman:** But he made clear that he wanted to put the case for the “Yes” vote?

**Mr Mirel:** Certainly, yes, and he visited all the acceding countries—Hungary, Poland, etcetera—to help and plead for a “Yes” vote during the referendum campaign.

**Q235 Chairman:** What was the form of the refusal?

**Mr Mirel:** He was never refused. There was never any answer.

**Q236 Mr Pope:** First of all, I want to ask a quick question which follows on from Mr Maples. Do you think, looking back at the whole negotiating

process, it would have been better if the EU had said to both sides that neither side could come into the EU unless they agreed to the Annan plan?

**Mr Mirel:** Frankly, the whole strategy was based on the idea that we would have to convince the Turkish Cypriot community and Turkey to accept the outcome of the negotiations under the Annan umbrella. No-one back in 1995, 1996, etcetera, would have ever believed that the opposite would have happened.

**Q237 Andrew Mackinlay:** Some of us did, incidentally, but we are in a minority!

**Mr Mirel:** You should have listened to him.

**Q238 Mr Pope:** Certainly I was in the majority, and I think most of us were, that we thought it was unthinkable. We ought to listen to Mr Mackinlay more, I am sure.

**Andrew Mackinlay:** You should!

**Q239 Mr Pope:** The question that I wanted to ask was about the EU’s aid package towards Northern Cyprus. Following the referendum in April the European Union agreed 259 million Euros of aid to Northern Cyprus, but, as I understand it, that aid has not yet arrived and it has been essentially blocked. I wonder if you could tell us if that is the case. Has it been blocked? Has it, effectively, been vetoed by the Government of the Republic of Cyprus?

**Mr Mirel:** The Council, after the failure of the referendum in the south on 26 April, I think, drew the conclusion and asked the Commission to put forward comprehensive proposals to put an end to the isolation of North Cyprus and bring proposals for economic integration, etcetera, including proposing to use 259 million Euros, which had been ear-marked for North Cyprus, for the whole of Cyprus instead, in case there would be a political settlement. The European Commission put forward two proposals on 7 July, one to make use of these 259 million, and the second one to allow direct trade between North Cyprus and the EU Member States. Where do we stand right now? The proposal for aid for the 259 million package has been agreed. There is an agreement now between the 25 Member Countries, an agreement on technicalities, etcetera. However, the Dutch presidency, very rightly I think, has made a link between the two proposals, in saying, if we want to fulfil the mandate of the European Council, then we should have the two proposals accepted at some point. Aid is fine; without trade, not sufficient. Therefore, the two proposals are still on the table—it is a closed link between the two—and the Dutch Presidency is saying, “We would like a commitment from Cyprus whereby the trade proposal would be accepted at some point, after two or three months”, whatever. So this is where we stand. Technically the aid proposal is agreed, but because of that link between the two, it does not go through. There will be a further discussion tomorrow. My conviction is that nothing is going to happen before 17 December.

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**Q240 Mr Pope:** That is very helpful, but I think there is a danger that we could be in the worst of all possible worlds. When we were in Cyprus last week it seemed to us very clear that the Government of Cyprus is not going to allow at any early stage direct trade with the north and the rest of the European Union. If that is the case, that means that the aid package is also blocked. If there is a linkage between the aid package and the trade package, if the Government of Cyprus is not prepared to allow direct trade, that also has the knock-on effect of meaning that the aid to the north also is blocked; and we are then in a situation where the north, having voted for the plan, now finds itself impoverished. It has got a per capita GDP about a third of that of the Republic of Cyprus and we cannot even get an aid programme there. I find that very worrying?

**Mr Mirel:** I think it will be up to the Dutch presidency, at some point, to decide whether the two proposals should be de-linked; and we could go with that proposal at least as an amendment, and, in particular, before the elections in the north, to demonstrate that the European Union is ready to help and do something, even if the trade proposals would not be accepted at the time—that is up to the Dutch presidency—but I think, I very much hope, that after 17 December things will change.

**Q241 Mr Pope:** I certainly take your point that it is important to decouple these things ahead of the elections in the north, because I think it could have a very damaging effect?

**Mr Mirel:** Indeed, because so far we have not been able to demonstrate that we were supporting the outcome of the referendum in the north.

**Q242 Mr Mackay:** I would like to pursue a little further what Mr Pope has been asking you about aid and trade. I would agree with him about the decoupling. It is the first time we have heard about the coupling, which is very interesting. It was put us in other evidence earlier that the real reason the aid package was not going through, despite the fact that it had been agreed by each of the Member States, was that the north comes under the jurisdiction of the Republic of Cyprus, in the eyes of the European Union, and rightly so, and any Member State will only accept the aid when they are satisfied what it is to be used for, and they will be in charge of what it is to be used for. Clearly, the Republic will not be choosing, or deciding, or monitoring, or be responsible for aid that is disbursed in the north; because one presumes that, in conjunction with the EU people at the Commission, it will be the authorities in the north that makes the decisions as to where the aid goes to. Would that be correct?

**Mr Mirel:** I must say that, after very lengthy discussions on the proposal, we have now full agreement, including the Republic of Cyprus, whereby this aid package could be used for the north—that would be implemented directly by the European Commission—but actually we would use the European Agency for Reconstruction which we have set up for the Western Balkans, which is a very experienced body to implement this type of

programme, and they would open an operational centre in Cyprus. There is full agreement on this idea.

**Q243 Mr Mackay:** That is extremely helpful, because a less well-informed person giving us evidence yesterday, inadvertently, I am sure, misled the Committee; and you coming here today has put that right. That is very interesting indeed. Can I now move on to trade?

**Mr Mirel:** I am sorry, one additional element. Cyprus has asked the Commission a few days ago—and this is going to be settled, I hope, tomorrow—that this agency for reconstruction would have to be registered in the Republic. We have no problem with that. This is actually the only, let us say, recognised place, country, where we could register the agency. So we have no legal problem whatsoever with that, provided that Cyprus would accept that the agency would have offices in the north; and this is acceptable and accepted.

**Q244 Chairman:** On that, has the Republic sought to impose any conditions on the disbursement by the agency of those funds?

**Mr Mirel:** We had long discussions on two issues: one is what about the property rights and whether any project could be implemented on soil or on a piece of land which belongs to Greek Cypriot owners. We obviously say, “No”, not just in relation to Cyprus, but the Commission has never in any of its external aid programmes actually accepted to finance projects on, let’s say, a piece of disputed land or soil where ownership rights are not clear. That happened many times to us in Poland, Hungary and in Central European countries when the companies, etcetera, had not been privatised yet, and we refused to use public funds for developing projects if ownership rights were not clear. We made that very clear to the Republic of Cyprus. They accepted that that was one of the key issues.

**Q245 Chairman:** Any other conditions?

**Mr Mirel:** No. The only condition is that whenever we would be ready to consider any project outline, or whatever, the first thing we would do would be to look at the ownership rights and whether the project would be based on land which is clear, where ownership rights are not disputed. That is the only condition.

**Q246 Chairman:** Are there any means of consulting the Republic in advance?

**Mr Mirel:** No, there are not, Chairman, but we would be ready and willing to consult, in particular, when projects would have, let’s say, a wider dimension, such as water treatment, energy grids, or whatever. It is clear that we are not going to finance something in the north, which is, after all, a small part of the whole island, without looking at the whole island’s interests.

**Q247 Mr Mackay:** Obviously if a settlement is going to work, there has to be a closer link between the two economies, and the north must improve

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considerably. The aid package that you and Mr Pope have mentioned will help, but it is the trade that will really work. Can I move you on to the difficulties there. What it is blocked at the Commission, or within the European Union, is the opening up of the ports of, say, Kyrenia and Famagusta. Is it just the Chicago agreement which is stopping direct flights from EU Member States going directly to Ercan, or anywhere else, for that matter, in the north?

**Mr Mirel:** The trade proposal is blocked basically for three reasons. The first reason is that the Republic of Cyprus is arguing that the legal base for the proposal is not the right one. We have proposed a regulation on the basis of Article 133 of the Treaty, which relates to trade measures. The Republic of Cyprus is saying that this is the wrong legal basis: it should be based on Protocol 10 of the Accession Treaty. On this very important point our legal service argued in saying that there is no other legal basis than Article 133. Why? Because the northern part of Cyprus, although it belongs to the EU since 1 May, does not belong, is not part of, the European Community Customs' territory. The EU legislation is not implemented and not implementable in that part of Cyprus. Therefore, that territory, although not formally a third country—it is a sort of *sui generis* situation—has to be considered as any third country; and we have other examples: Ceuta and Melilla, enclaves in Morocco. We are dealing in trade matters on the basis of that Article, therefore, we have proposed trade measures on the basis of this Article and I think that if we had to go before the court, I am sure we would win, but there is no alternative. That is the key point.

**Q248 Mr Mackay:** You illustrate graphically the trade measures are stalled. You have just said at the very end that you think the way forward is through the courts. If the courts came down in favour of the Commission proposals—

**Mr Mirel:** And I am sure they would.

**Q249 Mr Mackay:** I hope I share your optimism. If they do, which would be good news for Cyprus, in my view, then there would be no other stumbling block. The Republic would have no veto?

**Mr Mirel:** The other stumbling block is the question of ports and airports. Cyprus is saying that by allowing direct trade we actually violate international law, because ports and airports are under the control of the Republic and they do not have the means to control what is happening. What we are saying is that our proposal does not say anything on ports and airports. It is without any prejudice to requirements which have to be fulfilled in terms of security and safety and that any importing Member States would require. More importantly, we, and, indeed, the Council, accepted what we call “Green Line regulation” under which trade between the north and the south can use also ports and airports in the North.

**Chairman:** Mr Mirel, can I explain. That is a vote. We will suspend for up to a quarter of an hour. If we are back earlier we shall resume. The bad news is that there is another vote at 4 o'clock. It may be ten minutes; it may be longer.

*The Committee suspended from*

*3.32 p.m. to 3.42 p.m. for a Division in the House*

**Chairman:** Can I ask Mr Mackay to continue his questioning.

**Q250 Mr Mackay:** I will be brief, but can I just say that the information which you are giving us is extremely useful to the Committee and has been some of the most significant evidence that we have had. It is just a pity that we are interrupted by the democratic process, which is always extremely unhelpful. I asked you what was blocking the trade deal, and you said there were three reasons. You answered one very fully, and I added a supplementary. The second you were answering, but you were competing against the bell. I think you were talking about the airports. Would you very briefly repeat that. If there is a third one, I would like to hear that before I pass over to colleagues?

**Mr Mirel:** Sure. It is a pleasure. The second one is this question of ports and airports. Our proposal does not say anything on ports and airports. You may say this is playing with words. How can you have trade if you cannot use ports and airports to export your products? But what we are saying is that this proposal is without any prejudice to requirements which in foreign countries they ask in terms of security, or safety in the port. More importantly, when the line regulation was adopted to allow trade between the north and the south, that Green Line regulation allows products produced in the north to be (in inverted commas) “exported” to the south, not just products wholly produced in the north but also transformed in the north. Transformed from what? From raw materials imported. Imported how? Through ports and airports. If ports and airports have been accepted for importing raw materials transformed in the north and then allowed to be, let's say, traded in the south, why not accept also that ports and airports would be used to allow trade directly from the north to the Member States? I think that is the key point.

**Q251 Mr Mackay:** Have we covered the third point? That covers all three now?

**Mr Mirel:** Yes.

**Chairman:** What I propose is this, Mr Mirel. There will be another division at 4 o'clock, possibly two divisions. It would make it absurd for you to have to wait, so I am going to ask my next two colleagues, Sir John and Mr Mackinlay, if they would take up most of the remaining time, and then the Committee will be able to address written questions to you and any matters that I very much regret will be truncated because of time.

**Q252 Sir John Stanley:** Does the EU accept that the only international body that can provide both a sudden proposal and one that needs to endorse it is the UN?

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**Mr Mirel:** This is what the Council are saying. We do not see any alternative. The whole process has been based on UN resolutions but it is clear that after 17 December there would be a new momentum, a new situation, if the European Council on 17 December decides to actually open the access negotiations to Turkey. I am not saying then the accession process should go back to the Union or under the Union responsibilities, but certainly a new momentum would be there to facilitate a re-launch of the process under the UN umbrella, providing the Republic of Cyprus would then accept to re-launch such a process.

**Q253 Sir John Stanley:** Is the EU likely, after December, to take any initiative directly with the UN to try to persuade the Secretary-General that it is worthwhile endeavouring to restart the settlement process, or is the EU's position that a breathing space, possibly of a considerable period, is now necessary?

**Mr Mirel:** It is difficult for me to tell what the Dutch presidency or the next presidencies would do.

**Q254 Sir John Stanley:** What is the Commission's position?

**Mr Mirel:** I do not think that the Commission, on such an issue where the Commission has actually no competence, no direct competence, would actually propose it?

**Q255 Andrew Mackinlay:** The European Commission has a port services directive in draft. Do you know, would that be applied if the ports were opened in the North to supply the whole island? How would it be regulated? How would it be policed?

**Mr Mirel:** I am sorry?

**Q256 Andrew Mackinlay:** The European Commission has a port services directive which relates to the whole market with imports, the labour market with imports, ownership, who does what, and it is causing a great deal of consternation in ports throughout the European Union, particularly people like myself—that is also how I know about it—but I also want to know whether or not that would be applied in a northern port: because it would be unfair competition, would it not, if that did not apply in the north but applied in the Republic?

**Mr Mirel:** As far as I am aware, we do not have any such directives.

**Q257 Andrew Mackinlay:** The Commission has got one. It is actually consulting Member States now?

**Mr Mirel:** It is not in place yet, is it?

**Q258 Andrew Mackinlay:** It is not in place yet.

**Mr Mirel:** We are going on the basis of the existing EU legislation. What we are saying is that we should allow direct exports from the north to the new Member States, and it is up to the importing Member States to make sure that any safety, any security requirements would be fulfilled.

**Q259 Andrew Mackinlay:** But, uniquely, you would be allowing a port—and you have found the formula of words—which is not an EU port to be the access and egress of trade for the European Union?

**Mr Mirel:** Sure. As we do with any imports from Africa or any other countries in the world, third countries.

**Q260 Andrew Mackinlay:** No, any trade which comes into the European Union comes into a European Union port; but in this case you would be having trade coming into northern Cyprus, which is not within the *acquis*, being the access, unregulated, to the rest of the European Union. That is absolutely new and unique. I am saying what would be the regime in the Northern Cyprus ports?

**Mr Mirel:** The opposite, trade to the northern parts.

**Q261 Andrew Mackinlay:** No, coming in. The way I understand it, forgive me if I am wrong, but you are saying that the northern port could and should be a place of trade for the whole of the island of Cyprus.

**Mr Mirel:** No, it should be for the northern part of Cyprus.

**Q262 Andrew Mackinlay:** Exclusively?

**Mr Mirel:** Yes.

**Q263 Andrew Mackinlay:** Can I go to the question of the franchise? I was amazed that both the United Nations and the European Union compromised on what are regarded as western norms as regards the electorate or the franchise of the plebiscite. Although the referendum in the north and in the Republic related to whether or not you accepted the Annan plan, *ipso facto* if you accepted that, you acceded to the European Union, but you and I allowed people who are not citizens of the Republic of Cyprus to vote in that. Was there never any examination in the Commission about the efficacy of allowing more or less everyone in the north, whether or not they were citizens of Cyprus or immigrants, to vote upon it?

**Mr Mirel:** No, we did not look at that question because we thought—This is coming to the question of settlers, is it not?

**Q264 Andrew Mackinlay:** Yes?

**Mr Mirel:**—that this was a part of the Annan plan, was part of the UN assessment plan, and I am afraid it is not a matter for the European Commission to look at.

**Q265 Andrew Mackinlay:** Surely it is, because the European Commission upholds, or tries to uphold and promote throughout the world, not just in the European Union, that people have a right to vote where they have jurisdiction?

**Mr Mirel:** Yes.

**Q266 Andrew Mackinlay:** But you were allowing people to vote in this referendum, affecting your and my union, who had no legitimacy to vote at all?

**Mr Mirel:** Providing they have been granted citizenship of the country.

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**Q267 Andrew Mackinlay:** But they were not citizens. They were not even *de jure* citizens?

**Mr Mirel:** Then settlers, in my view, would be in the same position as Russians in Estonia or Latvia. We call them non-citizens, not having the citizenship of the European Union.

**Q268 Andrew Mackinlay:** Russians in Estonia were not allowed to vote in the referendum, but the Turkish citizens were allowed to vote in this referendum?

**Mr Mirel:** Only those that were granted citizenship in the north.

**Q269 Andrew Mackinlay:** That is not so. Our Committee has been told that Turkish Cypriot authorities have imposed a ban on trade travelling south to north. Also, owing to the Turkish Cypriots' reluctance to open new crossing points, freedom of movement across the Green Line has been hampered. Is this protectionism consistent with the Green Line Regulations and the EU principles of freedom of movement of goods and people? What is the EU doing to bring about free trade on the island?

**Mr Mirel:** There are discussions between the Republic of Cyprus and the northern authorities on the opening of new crossing points and actually facilitating trade. One of the issues we are trying to convince the Republic about is to allow truck drivers, taxi drivers, from the north to move goods into the south, otherwise the Green Line regulation does not mean anything. This is one of the issues, the crossing points.

**Q270 Andrew Mackinlay:** Finally, if I may revert to my previous question, the Council of Europe Parliamentary Assembly has suggested there should be a census, either organised, sponsored or given oversight by the European Union of the north to find out precisely the thing I was alleging: who is what. Is the Commission contemplating this either before any further discussions to know precisely who is competent or which categories of people, even if there is some dispute, whether or not people are *de jure* citizens of the Cyprus Republic or are people who have come from Turkey in recent years?

**Mr Mirel:** Certainly we would be ready to support the imposition of such a census, including using part of the 259 million Euros to hold it.

**Andrew Mackinlay:** I am obliged. I am sorry I was a bit aggressive. I think they are wrong. We should be starting from here.

**Q271 Mr Pope:** Could I ask a couple of questions about Turkey and its relationship to Cyprus and to the European Union. Obviously Turkey would at some point like to join the European Union. At the moment it does not recognise the sovereignty of the Government of the Republic of Cyprus. For how long will it be tenable for Turkey not to recognise the Government of Cyprus once its application moves forward?

**Mr Mirel:** The 17 December, should I dare to say.

**Q272 Mr Pope:** A very diplomatic answer?

**Mr Mirel:** I think that is the point actually. I cannot believe that the European Council on 17 December would accept to open accession negotiations to Turkey unless and apparently until at least the Customs Union would include Cyprus, which directly, indirectly means recognition, does it not?

**Q273 Mr Pope:** Yes. It is *de facto* recognition, is it not?

**Mr Mirel:** Some other conditions have been mentioned by President Papadopoulos over the past weeks, such as the question of the opposition of Turkey to the participation of Cyprus into some organisations, etcetera, the question of settlers, troops, but I think the key question and the minimum sort of precondition would be that one.

**Q274 Mr Pope:** So that on 17 December what could happen is that the European Union gives the green light for talks to start with Turkey but, as a precondition, it would have to enter into some *de facto* recognition of the Republic?

**Mr Mirel:** The decision of the Council has to be taken by unanimity, which means including Cyprus. I do not think Cyprus would accept without that precondition, and this is what the Commission has asked in June. We asked Turkey to sign the protocol on the Customs agreement extended to the new Member Countries, including Cyprus. So far they have signed for the nine other new Member States, not for Cyprus.

**Q275 Mr Pope:** Similarly, the issue of Turkish troops stationed in Northern Cyprus. Again, it is not really a tenable situation for Turkey to want to join the European Union whilst it still has troops stationed on the sovereign land of a Member State. Presumably that will have to be addressed fairly soon?

**Mr Mirel:** This was addressed by the Annan plan, was it not? So the question is whether in that new situation after 17 December, because of the new climate, new situation, there would be a re-launch of the accession negotiations or whether, because of the new climate, Turkey will decide unilaterally to start the withdrawal.

**Q276 Mr Pope:** Certainly that is one of our hopes. The last point on this was that I know that our own Government, the United Kingdom Government, is very enthusiastic about Turkey's application. Other Member States other than Cyprus are less so. Do you sense that in the Commission as well?

**Mr Mirel:** You mean within the Commission?

**Q277 Mr Pope:** Yes.

**Mr Mirel:** Yes, certainly you would find that mixed feeling sometimes, although, I must say, for those who have worked very hard on the last enlargement, it is clear that the ultimate objective of the European Union is to bring peace and stability over the largest

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possible part of the Continent. Therefore, those who recall the origin of the community and believe that principle are very supportive.

**Q278 Chairman:** Would the European Union be prepared to provide a force to replace the Turkish troops if that were a means of securing unity and peace?

**Mr Mirel:** Chairman, it is very difficult for me to answer that question, but this is, at least on a personal basis, something that I thought would have been brought into the discussions in the context of the Annan plan.

**Q279 Chairman:** Has it been discussed within the Union?

**Mr Mirel:** I do not think it has ever been.

**Q280 Mr Maples:** On this trade regulation that you are trying to put in place and which is at the moment blocked in the Council, does that require unanimity?

**Mr Mirel:** The aid regulation does, trade does not. Trade regulation would be adopted at majority voting.

**Q281 Mr Maples:** So it is possible that if Cyprus were the only country that did not want it to happen it could be imposed?

**Mr Mirel:** Indeed.

**Q282 Mr Maples:** Secondly, suppose the trade regulation is then imposed but Cyprus says, "We are not going to recognise the airport and the ports." Does the European Union have any power at that point to say, "We are going to designate some airports and ports"?

**Mr Mirel:** No, we do not have that competence.

**Q283 Chairman:** Alas, we are summoned by bells. We would hope to address certain points of detail. May I say that you have been extremely helpful and we are most grateful to you as a Committee.

**Mr Mirel:** It was a pleasure for me, Chairman.

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**Supplementary written evidence submitted by M. Pierre Mirel,  
Enlargement Directorate, European Commission**

RELATIONS BETWEEN THE EU AND CYPRUS—UPDATE

1. *Performance of the Green Line Regulation and proposed amendments*

The volume of trade crossing the line is increasing (CYP 86,000 in November; CYP 110,000 in December), but the overall performance is modest. Between 23 August 2004 (when the Green Line Regulation became fully operational as regards trade) and 31 December 2004, goods worth approximately €475,000 crossed the line. Meanwhile the main products are vegetables (38% in total; 50% of the December crossings) followed by paper (16%) and furniture (10%).

Neither side has taken concrete measures to improve the operation of the Green Line Regulation. However, the opening of new crossing points is under discussion.

Taking into consideration the experience gained since the Green Line Regulation entered into force, the Commission proposed on 18 November 2004 a number of amendments in order to further facilitate trade across the line. The proposed amendments provide for

- (1) a procedure which would allow certain goods (mainly citrus fruit), which are subject to export refunds or intervention measures and therefore currently excluded from preferential treatment, to receive preferential treatment following a decision by the relevant management committee under the common agricultural policy;
- (2) a specific procedure for allowing movement of live animals and animal products (eg fish and honey) across the green line;
- (3) an increase of the value level for travellers' allowances: cigarettes, alcohol and other goods (from €30 to €175).

The Commission proposal was discussed in the Council working group. However, an agreement has not yet been reached.

2. *Aid and trade regulation: state of play*

COREPER agreed in substance on the text of the aid regulation, including entrusting the European Agency for Reconstruction with the implementation of assistance. The regulation (as well as entrusting EAR) has already received a positive vote in the European Parliament.

However, there is a stalemate in the Council, since the Dutch Presidency had maintained the coupling of the aid and the trade regulations and as Cyprus remains fiercely opposed to the direct trade regulation as proposed by the Commission. The legal dispute has not yet been settled.

It is now up to the Luxembourg Presidency to unblock these proposals and reach a satisfactory solution.  
*15 January 2005*

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# Written evidence

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## **Letter to the Chairman of the Committee from the High Commission of Cyprus, 9 June 2004**

Further to my letter of 7 May 2004, regarding the reasons for the Greek Cypriot side's rejection of the Annan plan in the referendum of 24 April 2004, I thought you would be interested in reading the attached letter, dated 7 June 2004, which President Tassos Papadopoulos sent to the UN Secretary General, Mr Kofi Annan, in which he deals with his Report on the Mission of Good Offices in Cyprus (S/2004/437).

Attached to President Papadopoulos' letter to the UN Secretary General, was the Annex, entitled "Comments by the Government of Cyprus on the Report of the UN Secretary General on his Mission of Good Offices in Cyprus" (S/2004/437 of 28 May 2004), a copy of which I also enclose with my letter.

As you will see, President Papadopoulos goes into some detail about the legitimate concerns of the Greek Cypriot side. These mainly refer to the question of Turkish mainland settlers, the permanent stationing of Turkish military forces in Cyprus, even after Turkey's eventual accession to the European Union and the expansion of the guarantor powers' rights emanating from the Treaty of Guarantee, through the inclusion of an additional protocol.

Moreover, President Papadopoulos emphatically reiterates the determination of the Greek Cypriot side, as well as his strong personal one, to strive for a solution of a bizonal, bicomunal federation. He also categorically refutes the allegation that the Greek Cypriots, at the referendum of 24 April, have voted against the reunification of their country and states that they have simply voted against the specific plan put to the referendum.

I will be pleased to provide you with any further clarifications on these documents, should you require them.

*HE Mrs Myrna Kleopas*  
High Commissioner of the Republic of Cyprus

9 June 2004

## **Annex 1**

### **Letter to the Secretary-General of the United Nations from the President of the Republic of Cyprus, dated 7 June 2004**

Excellency,

With reference to your Report on the mission of good offices in Cyprus (S/2004/437), dated 28 May 2004, and further to our recent meeting of 4 June 2004, I would like to convey to you further my relevant position.

This reply is presented in full respect for your action in the framework of your mission of good offices and has been prepared in a constructive and forward looking manner. Indeed, I take this opportunity, to once more, reiterate my gratitude and appreciation for your sustained personal efforts towards a settlement in Cyprus.

When reading this Report, one should, nevertheless, bear in mind that it has been primarily drafted by those entrusted by you with the role of honest broker and were active participants throughout the process. Through this Report they assess effectively the outcome of their own efforts, whilst at the same time attempting to portray and evaluate the attitude of the parties involved. In other words, the authors of the report play essentially the role of the judge and jury of the overall outcome of the negotiation process they presided over.

I welcome, in particular, the recognition, in the Report, that serious concerns of the Greek Cypriot community had not been adequately addressed in the final Plan of 31 March 2004, a fact which weighted heavily on the results of the referendum held on 24 April 2004.

It is regrettable that these concerns, which I had explained in detail, both orally and in writing, in Nicosia, through various documents, numbering more than 200 pages of comprehensive proposals, amongst which one of the most important was the document of 8 March 2004 concerning the crucial issue of security, were to a great extent, ignored.

Let me remind you that these legitimate concerns refer mainly (a) to the question of Turkish mainland settlers, an issue which I also raised in my two letters I addressed to your Excellency, on 23 and 25 March 2004, without any response; (b) the permanent stationing of Turkish military forces in Cyprus, even after Turkey's eventual accession to the European Union; and (c) the expansion of the guarantor powers' rights emanating from the Treaty of Guarantee, through the inclusion of an additional protocol.

You very rightly point out, in your Report, that there is disagreement over the interpretation of the rights of the Treaty of Guarantee, between the Republic of Cyprus and Turkey. Given that Turkey invaded Cyprus in 1974 by invoking this very specific right, this issue has been of paramount gravity for our side. In order

to tackle this issue, we have proposed the adoption of a triggering off mechanism for the exercise of the right of intervention under the Treaty of Guarantee. However, Mr de Soto refused to discuss the issue and Your Excellency also did not contemplate this possibility. Even after the presentation of the text of the final Plan, Cyprus tried to secure a strong resolution under Chapter VII of the UN Charter and in any event the adoption of a triggering off mechanism. This attempt of ours, as you very well know, was once more, unsuccessful due to the strong opposition of the other side.

Another issue of significance, negatively affecting the negotiating process, which you also include in your Report, was the lack of sufficient time and the tight deadlines provided. These factors did not allow either substantial negotiations to take place, or for an agreed solution to be reached between the two communities.

This is all the more regrettable, since I had been repeatedly advising, after the collapse of the talks, at the Hague, in March 2003, that we should not be faced with another artificial deadline, giving anxiety to the Cypriot people that they would be besieged and that their legitimate concerns were not given appropriate consideration. This flawed negotiating method, which resulted in a 10-month delay in the resumption of the talks, has proved inadequate and counterproductive. We bear witness to the results of such a method, not only in the case of Cyprus, but also in other regional conflicts, leading, at best, to short lived arrangements incapable of bringing about stable and lasting solutions.

May I point out that the crucial period of more than a month of the first phase of negotiations, in Nicosia, as you also point out in your Report, was allowed to elapse without any progress due to the intransigent position and demands of the Turkish Cypriot side, which laid well outside the key parameters of the plan.

Let me underline that there have been serious inaccuracies, as well as wrong assumptions, in your Report, which are pointed out in the attached Annex. The most serious of them is the erroneous interpretation of the choice of the Greek Cypriot community at the referendum of April 24, namely that by the disapproval of this specific Plan Greek Cypriots have voted against the reunification of their country.

Such a claim is unfounded and insulting. It should not be forgotten that a substantial number of those voting were refugees, 70% of which voted "no", and who for more than 30 years have been deprived of their human rights, particularly their rights to return and to property, due to the presence of 35,000 troops and 119,000 illegally implanted Turkish settlers.

Another fallacious assumption of the Report is that the Greek Cypriots are turning away from a solution based on a bi-zonal, bi-communal federation. I would be very interested to look into any credible evidence, put forth in good will, pointing out to even a single reference in our written proposals, submitted in Nicosia and Bürgenstock, which will support this assumption. The same can also be said for our comments submitted orally. Moreover, our firm position taken through all these years of deliberations does not justify in any way the inference of such a claim.

In any event, I take this opportunity to emphatically reiterate, once more, on behalf of the Greek Cypriot side, the commitment of my people, as well as my strong personal one, to the solution of a bi-zonal, bi-communal federation. At the same time, I am compelled to reject the notion that the Plan submitted on 31 March 2004 constitutes the one and only, unique, blueprint of a bi-zonal, bi-communal federation. Does anybody today claim that the previous versions of the Plan, which were similarly presented as unique opportunities for the achievement of a bi-zonal, bi-communal federation, were not so?

Turning to the Section of the Report, outlining the alleged improvements inspired by the Greek Cypriot concerns, I wish to point the following: the allegation that "the overall amount of property in the Turkish Cypriot State eligible to be reinstated to Greek Cypriots would be roughly doubled as compared with the previous version of the plan" can be described as inaccurate. As you very well know, the Plan includes a number of preconditions for reinstatement of properties, which limit substantially the exercise of the right of Greek Cypriots to reinstatement, as well as the percentage of properties that were to be reinstated to Greek Cypriots in comparison to previous versions of the Plan.

Furthermore, the section outlining the improvements of the sides bears an uncanny resemblance to a well-known document of a permanent Security Council Member, widely circulated at the time of the Bürgenstock phase of negotiations, which strangely enough even follows the same sequence for the improvements gained by both sides. The most noteworthy element, however, of this section of the Report is the omission of any reference to the benefits that Turkey, and others, accrued from the provisions of the Plan.

Let me just outline just some of the benefits gained by that country under the finalised version of the Plan. Turkey true to her past role demanded (and obtained) divisive bi-zonality provisions, strategic economic benefits, and "security" arrangements, with sufficient troops, even if reduced in numbers, to allow her again to intervene militarily through a bridgehead in Cyprus, a right Turkey still insists she enjoys, and her continuing role make full independence impossible. Although, scarcely touched on in the Plan and then only by reference, Turkey's powers of intervention and supervision, are in reality enormous, because of its continuing military presence in and near Cyprus. She has also insisted, through the Turkish Cypriots, on binding the UCR by treaties which they entered into with her and which provided for the integration of the Turkish Cypriot constituent state into Turkey, persuading the UN to accept this and a new right for the Turkish Cypriot State and Turkey to make agreements on investment and provision of financial assistance. Turkey had also insisted on putting a brake on the UCR's economic development by securing provisions in the Law on the Continental Shelf that prevents the UCR from exploring and exploiting her maritime resources in the seas of Cyprus whilst interfering with the Treaty between Egypt and the Republic of Cyprus

on the Delimitation of the Exclusive Economic Zone, which is an ill-omen as to how Turkey would in future have operated. Another such example is the imposition of the “Cooperative Agreement on Civil Aviation with Turkey” on Cyprus over the strong objection of the GCs. This treaty would have imposed on Cyprus a common policy with Turkey in civil aviation thus making the condition to changes in the management of Cyprus air space subject to Turkey’s consent. It would have also allowed Turkey to take all necessary actions (even military action) in the event of any threat to aircraft passengers, airport or aviation facilities.

In the aforementioned list, which by no means is exhaustive, the greatest benefit for Turkey, secured to the detriment of both Greek and Turkish Cypriots and consisting a clear departure from the provisions of Annan III, has been the stationing of Turkish troops on the island in perpetuity.

All these new provisions clearly serving Turkish interests and aims in Cyprus explain to a large extent why the Plan was overwhelmingly rejected by the Greek Cypriots, approved by the Turkish Cypriot side and so emphatically endorsed by the Turkish Government. The Greek Cypriots have every right to wonder how the United Nations, the very guardian of international law, could adopt proposals inspired by the Turkish side, which deliberately and unjustifiably limit the sovereignty exercised by one of its Member States. In other words, the main objection by the Greek Cypriot community to the Plan was the fact that foreign interests, primarily Turkish ones, were satisfied, instead of those of the Cypriot population, Greek and Turkish Cypriots alike.

Furthermore, the Turkish side avoided conscientiously to reveal its thoughts on the issue of territory, thus depriving the whole process of a significant element of potential meaningful trade-offs. Maybe the Turkish side adopted this attitude having valid reasons to expect that its demands would be more or less fully satisfied without having to make any concessions on territory. In any event, the insinuation that the GC side avoided somehow to discuss the territorial issue or missed an opportunity as far as Karpas is concerned betrays, at best, failure to understand the nature of GC concerns as expressed during the whole process or bad faith at worst. In any event, this issue should have been dealt with by the United Nations *proprio moto* when the percentage of displaced persons to return to their homes in the area under TC administration was further curtailed by 3%.

We were willing to accept, on humanitarian grounds, that a number of Turkish settlers should have the right to stay in Cyprus as citizens under the new state of affairs. What however we were not willing to accept, as you very well knew, was that each and every settler, indeed all, should be entitled to remain and ultimately acquire citizenship. Neither we were ready to endorse new provisions allowing fresh settlers flows in the future, thus altering further and distorting the demographic balance on the island.

However, under the final Plan not only the entirety of settlers were to remain in Cyprus and the possibility for a permanent flow of settlers from Turkey was left open, but all of them were allowed to vote during the referendum. This was so, despite established international law and UN practice, and persistent repeated calls of our side to the contrary, which were utterly disregarded. The end result, is that once more the settlers have participated in formulating the will of Turkish Cypriots during the referendum of 24 April, and this against every norm of international law and practice.

Functionality is not exhausted to the composition of the Presidential Council or the setting up of a Court of Primary Federal Jurisdiction. Functionality covers all the areas of the operation of the state and our concern for functionality was reflected in all of our proposals during the process covering, *inter alia*, federal legislation and its practical application, the Central Bank, fiscal and monetary policy, the curtailing of the various transitional periods, ensuring conformity with EU obligations, the administrative structure and function of the federal government, the decision-making process at all levels, the territorial aspect and the issue of the missing persons. All of the GC suggestions concerning functionality are fully documented, have been within the parameters of the Plan and did not affect in any way the rights afforded by the Plan to the Turkish Cypriots.

The objective of most of the GC side’s suggestions, viewed, as an integral whole, have been to achieve the functionality and the workability of the solution, thus ensuring its viability and smooth operation. The attainment of these objectives (functionality and workability) could not be the automatic result of the adoption of a few marginal elements contained in our relevant proposals in exchange for some new Turkish Cypriot demands. Thus, on no account can be claimed that “functionality and workability” requirement had been met.

In addition, we maintain serious doubts on whether the final Plan is compatible with the *acquis communautaire*. As it is well known the European Commission did not, in any case, examine one by one the provisions of the final Plan. The Commission simply examined Annan I, not subsequent versions. Thus, it would be interesting to know what the legal and jurisdictional organs of the EU have to say on the final Annan Plan.

At any case, as it is well known, what is of equal importance with the compatibility of the Plan with the *acquis*, is the ability of Cyprus to function effectively within the EU as a Member State, something that clearly has not been achieved by the Plan.

It is utterly inaccurate to state, in paragraph 69, that I have never presented proposals on security to the members of the Security Council. They are well cognisant of an *aide memoire* distributed by the Permanent Mission of Cyprus to the UN, on 20 April 2004, during the deliberations on the British-American draft resolution. The inclusion of this allegation is offensive, to say the least, because I have personally pointed out this inaccuracy after Mr Alvaro de Soto alleged so publicly.

Moreover, the Greek Cypriot side did not bring up the issue of security for the first time on 20 April. In fact, on 15 March, we submitted a comprehensive voluminous paper concerning the security issue, wherein our suggestions were elaborated in detail and with absolute clarity. Either Your Excellency, advised by Mr de Soto, did not give serious consideration to our positions on such a crucial issue or Mr de Soto did not bother to read our paper with due care and attention.

We share the view that membership in the European Union adds to the general feeling of security and we hope that Turkey's European aspirations will lead her to display more respect for international law norms and the implementation of UN resolutions. However, it remains an uncontested fact that we still have serious security concerns as a result of the presence of Turkish occupation troops and Turkish overall behaviour. Recent illustrations of the latter are the Resolutions relating to Strovilia, that required the withdrawal of Turkey's occupation troops a few meters away that had not been complied with. Even more disturbing and insulting, for the United Nations itself, is the unheeded call by the Security Council for Turkey to lift the restrictions imposed on UNFICYP.

Acceptance and implementation of the Plan would have had profound consequences. Given, that all parts of the Plan constituted an integral whole and were of equal importance, it was imperative that before embarking on its implementation all the proper iron cast guarantees should have been in place that each and every party concerned would comply with all of its obligations arising therefrom.

Regrettably, contrary to the Secretary-General's aims in formulating the Plan, the arrangements for implementing territorial adjustments under Annan V would have resulted in a "win-great risk of losing" situation and not in a "win-win" situation, as intended by the Secretary-General. The arrangements, as envisaged under Annan V, would have given the Turkish Cypriots real and considerable benefits governmentally, politically, internationally, economically, security-wise etc, from the very first day of the Foundation Agreement coming into operation. In contrast, the two benefits for Greek Cypriots, namely territorial adjustments and reductions in the size of the Turkish Army in Cyprus, would not begin immediately, and would have taken a number of years to be phased in.

In this way, the implementation of the Plan, especially those provisions of crucial interest to the GCs, would have been contingent to Turkey's good will, which, for the last 30 years at least is far from forthcoming even in embryonic form. When for the last 30 years, due lack of good will on the part of the Turkish side, no progress whatsoever has been achieved in relatively simple issues of profound humanitarian nature such as the investigation of the fate of the missing persons, it would be very imprudent to rely on Turkey's good will for the full, prompt and proper implementation of a Plan purporting to provide a comprehensive solution to the Cyprus problem.

More importantly, the present Turkish Government, despite its efforts to present an image of a country ready to cooperate and respect the norms of international law, continues its unjustified hostile policy against Cyprus. Using its right of veto, Turkey continues to hinder the accession of Cyprus to a number of technical international organisations, amongst which the OECD. The commercial fleet of Cyprus, a Member-State of the European Union, is still denied the right to approach any Turkish ports. The most recent and illustrative action of this deliberate Turkish policy was the extension of its customs union agreement to nine of the 10 new members of the European Union, the tenth being Cyprus which was unreasonably excluded at the very moment when Turkey aspires to future membership in the EU.

Under these circumstances, one must logically wonder how much trust and confidence the Greek Cypriots can place on vague promises, in the absence of concrete and ironclad guarantees, that Turkey will fulfil all its commitments under the Plan. Experience has unfortunately been pointing to the opposite direction, since no signs by Turkey of an ending of its hostile acts against Cyprus are witnessed.

While we appreciate your stated disapproval of the idea of separate recognition of the secessionist entity in the occupied part of Cyprus, we strongly object to the conclusion of the Report. In particular, we can not accept the suggestion contained in paragraph 93, that members of the Council "can give a strong lead to all States to cooperate both bilaterally and in international bodies to eliminate unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots, deeming such a move as consistent with Security Council resolutions 541 (1983) and 550 (1984)". In any event, this suggestion lies clearly outside the Secretary's General good offices mission and is in direct contravention to the SC resolutions and international law.

Furthermore, there is no doubt that our common goal for the reunification of Cyprus will be negatively affected for ever by such proposed actions, which undoubtedly will lead to the upgrading of and creeping or overt recognition of this secessionist entity. This would be done in direct violation of Security Council resolutions 541 (1983) and 550 (1984) and the prevalent norms of established international law. The adoption by the Security Council of this particular suggestion will be paradoxical, since it will amount to an incomprehensible negation of its own categorical call to all States "not to facilitate or in any way assist the aforesaid entity".

We strongly believe that the welfare and prosperity of the people of Cyprus lie with the economic integration of the two communities and the unification of the economy of Cyprus, and not with the encouragement of separatist tendencies. In this respect, any moves or initiatives, aiming at first sight to the economic development of Turkish Cypriots, but with evidently hidden political extensions, create nothing more than a disincentive for a solution and promote the permanent division of the island.

Various methods elaborated by certain circles for the direct opening of ports and airports in the occupied part of Cyprus, as a mean of facilitating the direct trade with these "Areas" of Cyprus, serve exactly this purpose. Such moves lack any sound legal basis. In fact, based on outrageous justification proposals they clearly try, unsuccessfully though, to promote and present a situation of external trade with a secessionist entity as lawful. Not only all these efforts fail to respect legality, but also more importantly the end result is that they violate the very norms from which they try to derive their legal validity. The outcome is a doubtful attempt to legalise an illegal situation in a territory of Member-State of the EU, where the application of the *acquis communautaire* is suspended, whilst at the same time creating serious practical problems, thus setting dangerous precedents for the future.

The Government of the Republic of Cyprus is the first to support the economic development of Turkish Cypriots; an economic development based on the proper criteria that promote the ultimate aim of facilitating the reunification of our country. We have shown this in practice by the announcement and implementation of two packages of measures, of 30 April 2003 and 26 April 2004 respectively. These measures have in essence freed the intra island trade of agricultural and manufactured goods, fisheries and minerals, produced in the northern part of Cyprus, as well as their exports through the legal ports and airports of the Republic of Cyprus. Unfortunately, due to political considerations, such far-reaching measures are not being made use of, due to the insistence of the occupation regime for direct trade through illegal ports and airports in violation of international law.

It is more than evident that Turkey and the Turkish Cypriot leadership are not genuinely interested about the economic development of the Turkish Cypriot community, but primarily for the upgrading and ultimate recognition of the secessionist entity. In this respect, I would also like to bring to your attention the efforts currently under way for upgrading the status of the Turkish Cypriot community in the Organization for the Islamic Conference to a "Turkish Cypriot State". I urge your Excellency to seriously consider the direct implications of the suggestion contained in paragraph 93 of the Report for the reunification of Cyprus.

I should be grateful if the present letter is circulated as a document of the General Assembly under agenda item 30, and of the Security Council.

*Tassos Papadopoulos*  
President of the Republic of Cyprus

**Comments by the Government of Cyprus on the Report of the Secretary General on his mission of good offices in Cyprus (S/2004/437 of 28 May 2004)**

INTRODUCTORY REMARKS

*The United Nations' continuing role in promoting an agreed Cyprus Settlement*

1. The Greek Cypriot side has always relied on the principles embodied in the Charter of the UN, on international law and on the resolutions of the Security Council in its search for a freely agreed solution of the Cyprus problem and for reversal of the effects of Turkey's military intervention in Cyprus. It has always had faith in the good offices of the SG, pursuant to guidelines of the Security Council. It has always shown determination to negotiate a solution, with a mutually acceptable constitutional arrangement which would ensure that the independence and territorial integrity of the Republic was maintained in a reunited Cyprus. Throughout that period, various Secretaries-General and their representatives worked hard to achieve this result. They were trusted to act in accordance with the UN Charter and within the framework of the Security Council's Resolutions establishing the Secretary-General's mission of good offices (since SCR367 (1975)) and the Security Council's position taken (ever since SCR649 (1990)) on reunifying the Island by way of a bi-communal bi-zonal federation in line with the Cypriot parties' 1977 and 1979 high level Agreements.

2. The ultimate goal remains unchanged, that of seeking a bizonal, bicomunal federation, so that all Cypriots may benefit from accession of their country to the EU, looking beyond the past and cooperating on the best of terms in peace and security. Such search will be based on the existing Plan.

3. Although disappointed at and concerned by the recent Report, skilfully slanted by its drafters to present co-operative Turks and unfairly isolated Turkish Cypriots as against obstructive Greek Cypriots blocking reunification of Cyprus, the Government of the Republic believes that the United Nations will in due course revert to its hitherto impartial stance and once again use its best endeavours to promote an agreed settlement of the problem confronting Cyprus. Believing this, it is necessary to set out where and how the recent Report mis-presents the situation, because the Report's errors and distortions will, unless corrected; harm the prospects of future agreement. Both sides need seriously to consider what can be salvaged from the Plan, rather than basking in smug self-satisfaction, having' been patted on the back by the very draftsmen responsible for formulating a Plan so unacceptable to a large majority of the population of Cyprus. Before embarking on a systematic analysis of the Report's deficiencies and its coloration, intended both to conceal

the Secretariat's misguided negotiating tactics and the idealisation of the Plan's provisions, certain basic points require emphasis. No mention is made of the fact that the very same Plan in its previous versions had twice been turned down by the TC side. Nor was there any reference to previous reports of the SG, squarely putting the blame for the failure of the efforts on the Turkish side. Significantly, as opposed to now, no measures were then suggested for pressurising or "punishing" such side because of its negative stand, even though this had been long-continued.

*Delays and the consequent last minute rush were caused by Turkey*

4. The debate was caused by undue haste and a rush to impose a settlement' in the 2½ months before Cyprus entered the European Union as a Member State. That the time for negotiating an overall settlement and the many associated matters was so brief was not the fault of the Greek Cypriot side, but that of Turkey and the Turkish Cypriot side. From December 1999, when the recent negotiations started, until the end of March 2004, every effort to achieve progress was made by the Greek Cypriot side. In contrast, the Turkish and Turkish Cypriot sides would not negotiate throughout 2001, the last months of 2002, and from March 2003 to February 2004.

Throughout 2003 the Greek Cypriot side pressed for resumption of negotiations, so these could be completed by 1 March 2004, leaving two months for a proper campaign prior to referenda preceding Cyprus' EU entry on 1 May 2004. A letter from President Papadopoulos to the Secretary-General on 17 December 2003 initiated the recent negotiations. In contrast, Turkey only decided to resume negotiations on the Plan on 24 January 2004, when her National Security Council (the formal State body expressing Turkish Army views) confirmed the Turkish Foreign Ministry's proposed policy of re-opening Cyprus negotiations through the Secretary-General.

The latest Report has been drafted, obviously by UN personnel, who participated in the drafting of the Plan and looks as if it is an "argument" or a "pleading" in support thereof. It gives their views and places the blame on the GC part of the people of Cyprus for having expressed their disapproval at the Referendum of the 24 April 2004. It contains assumptions and a narration of the facts, which do not always correspond to the actual events. It is a highly subjective evaluation of the negotiations and of the overall "balance" of the Plan.

That the Plan was so comprehensively developed into a form capable of being put to Referenda was mainly due to the sustained efforts of the GC side, particularly its determination to remain within the existing Plan's parameters throughout the recent negotiations, its preparation of thousands of pages of legal documents and its goodwill exhibited throughout the four and a half years of negotiations with which it persisted in pursuit of a solution.

*Turkey's substantive policy was implemented by Mr Denktashh and has only marginally changed*

5. Even after the Turkish decision to re-open negotiations, Mr Denktashh remained (and still is) "leader" of the Turkish Cypriot side. The Report's picture of a "triumvirate" (para 15) and new "leadership" (para 6), together with its fulsome praise of Mr Talat and Turkish Cypriots (paras. 76, 87, Annex III, para 4), is designed to obscure that the Plan has incorporated Turkey's policy of two separate "sovereign" ethnically—composed States in Cyprus, only loosely linked together, and that Turkish demands for this were, by technical legal drafting, satisfied in the final version of the Plan, even though their adoption is inconsistent with the framework laid down by 30 years of UN Resolutions on Cyprus. Only after Mr Denktashh's refusal to come to Bürgenstock for meetings from 24 March 2004 were some of his demands flagrantly contradicting the Security Council's Resolutions put aside. Even then, his authorised agents, Messrs Talat and Serdar Denktashh, were kept under his orders and those of Turkey's Foreign Ministry via Ambassador Ziyal, present in the New York, Nicosia and Bürgenstock negotiations and giving continuous policy directions. Ambassador Ziyal saw that the Turkish Cypriot side concentrated on a few provisions, demanding that the Plan be changed: to meet Turkey's security interests; to enhance the Turkish Cypriot constituent state's power to restrict Greek Cypriots from living, conducting business or acquiring property there; and to empower its government to act independently in spheres which should have been exclusively federal.

*Praise of Turkish Cypriots designed to circumvent SCR541 (1983) and SCR 550 (1984)*

6. The fulsome praise in the Report is also designed to secure an unlawful objective, namely, to give Turkey's subordinate local administration in occupied Cyprus the economic attributes of an independent state without formally recognising it. That entity would then, despite the protestations in the Report about not assisting secession (Introduction, paras 90 and 93), be able to function so that there was no incentive to move to reunification of Cyprus. It is an attempt to by-pass a jus cogens rule of international law, which forbids recognition of the fruits of aggression. That rule is the reason why SCR541 (1983) and SCR550 (1984) were passed. Yet not a single word in the Report indicates that the Republic of Turkey is in unlawful military occupation of 36.4% of Cyprus, controlling that large proportion of Cyprus through 35,000 Turkish

troops and her subordinate local administration. Instead, the Report implicitly suggests that such Turkish local administration be given all the benefits of international co-operation and participation in international bodies.

#### *Historical observations*

7. In paras. 2 to 14, the Report makes reference to the time after The Hague, but the drafters fail to mention that the Secretary-General squarely placed the blame for the failure at The Hague on the Turkish side. Nor do they mention that, prior to The Hague, the GC Leader had set out the main concerns of the GC side (letter of 28 February 2003, delivered on 28 February to the SG). He had emphasized that his readiness to support the Plan was dependent on those concerns being satisfied. Only if the other side would do likewise, was he prepared not to reopen the substantive provisions of the Plan.

8. Though in para 6 the drafters write that “most of 2003 was a fallow period,” no mention was made of the reasons for this, which were the continuous negative attitude of Mr Denktashh and the support he was receiving from the Turkish Government. Nor did they mention the constant positive stance of the GC side. (Statements by Mr Denktashh, Mr Erdogan and Mr Gul are available).

9. The drafters consider (para 6) that the December 2003 vote in the TC community “brought to the fore a new Turkish Cypriot leadership”. This TC new leadership did not replace Mr Rauf Denktashh, who was present in New York (10-13 February) and during all talks until 22 March 2004 appeared as “leader”. It was he who on 24 February presented his positions, which were way outside the parameters of the Plan. The GC side was never told by the UN team either in New York or thereafter that there was a leadership “triumvirate”. On the contrary, the UN seemed to consider Mr Denktashh as the “leader” (eg page 1 of the Summary and inter alia. paras. 10, 11, 12). The others (Mr Talat and Mr S. Denktashh) were members of his negotiating team. Mr Rauf Denktashh has never ceased to claim that he is still the “leader”. Whereas he refused to attend the Bürgenstock meetings, he then, as leader, authorized other persons to be present and such authorisation was considered valid by the UN.

10. Despite the April 2003 Report by the SG. which had criticized the Turkish side, the UN undertook no initiative in that “fallow” time, tolerating the tactics of the Turkish side and taking no measures to “break it” or to “punish” the “guilty” party. The drafters of the current Report, in creating the atmosphere of cooperation and progress all being due to Turkey, also play down the importance of the letter from the President of the Republic, on 17 December 2003, which, after the long delay, with there being no fault for this attached to the GC community, actually restarted the ball rolling. On the contrary, the meeting between the SG and PM Erdogan in Davos is emphasized in their Report as being important. Mr Erdogan is quoted as saying that he would be “one step ahead” for many years. The actual fact is that the GC side were then many steps ahead.

11. In paras. 12 and 14 the drafters speak of the 13 February “agreement”. This “agreement” in fact comprised both the “Statement attributable to the Spokesman of the SG” and the SG’s letter to the leaders of 4 February 2004, outlining the procedure to be adopted. Together they formed the basis of the “three phase process” leading to the Referendum (if one considers the Referendum as not being a fourth phase).

#### *The First Phase*

##### *Attempts to discredit the Greek Cypriot side’s conduct in the negotiations by its presentation of a “vast bulk” of materials*

12. The Greek Cypriot side has always worked for a stable and enduring solution and a properly considered constitutional settlement. There had not been any proper consideration by the UN team of young lawyers of economic and financial matters or of changes necessary in light of Cyprus’s impending EU membership. The property scheme and much of the Constitution had never been directly discussed by the two sides. The Greek Cypriot side took at face value and as genuinely necessary Mr de Soto’s proposal to both sides in “Clusters of Issues,” 20 February 2004 (referred to in para 18). He had written:

“The UN suggests that each side explain in concrete terms, including with non-papers as necessary, the actual changes they want to the plan, taking the Clusters, in turn during the coming meetings.”

Accordingly, the Greek Cypriot side presented specific changes and reasoned explanations why these were necessary. They dealt with the major aspects of the Plan which they had, ever since President Papadopoulos’ letter of 28 February 2003, stated required to be changed; they raised other issues consequential upon the Turkish Cypriot proposals (as the Greek Cypriot side explained); they raised crucial issues arising from the Technical Committees’ work (eg refusal to accept, at Turkey’s instance, that Cyprus had a continental shelf); and that the “treaties” with Turkey and her subordinate local administration were aimed at integrating the occupied area and Turkey but were now to be applied to all of Cyprus and they pointed out some significant drafting defects in the Plan and its Annexes. The future Constitution, the economy and the long-term rights of hundreds of thousands of Cypriots were at stake. Yet several Paragraphs in the Report snidely scatter criticism at the Greek Cypriot side for its serious approach to the negotiations. Paragraph 8 ironically claims that the Secretary-General was reassured by President Papadopoulos that he did not want “forty or fifty” changes to the Plan”; para 19 refers to “the virtue of concision” of the Turkish Cypriot proposals

(substantially altering key parameters of the Plan); and para 20 contrasts Turkish Cypriot behaviour with the conduct of the Greek Cypriot side, which took each issue in turn (as invited to do) and produced “dense and lengthy papers one after another.” Para 20 also sarcastically states that, “As they continued to present papers, it became apparent that the 10 February 2004 paper summary of Greek Cypriot demands was far from exhaustive”. This is a reference to a “Talking Points” summary produced in New York at 10 minutes notice upon request of the Secretary-General who knew that the Turkish Cypriot side was intending to produce outline demands agreed with the Turkish Foreign Ministry. (The Report is silent on this tactic.) However, in a meeting of 22 February, immediately after Mr de Soto had presented his paper “Clustering of Issues,” President Papadopoulos had emphasised that the 10 February paper did not comprehensively state the issues. The Report continues in this sarcastic vein referring (at para 22) to “the vast bulk of the material” and adds an innuendo (effected by quoting the Turkish Cypriot side) that the Greek Cypriot side was “filibustering”. Again (at para 37), the Report exaggerates the scale of Greek Cypriot proposals (running to 44 pages). In fact, produced at UN request although if the Special Adviser read the papers earlier presented he would have known what was proposed, a three page list was provided while the 44 pages consisted of legal texts, including crossed out texts and relevant contexts of legal provisions, so that each amendment could be understood in context. The actual text would have been less than six pages of changes to 9,000 pages of the Plan and its Annexes.

*Attempts to discredit the Greek Cypriot side for not giving the Special Adviser its “priorities”*

13. In para 20 the Report claims that the Greek Cypriot side

“declined to prioritise its demands, despite my Special Adviser’s request of 15 March to both sides to do so”.

Paragraph 20 was preceded by para 19, where the Report claims that in mid-March

“The Turkish Cypriot side replaced their initial papers with a less far-reaching set of proposed textual amendments, described as a priority list”.

Such “list” was not sent by the UN to the Greek Cypriot side until 19 March (Letter de Soto to President Papadopoulos), but there was no indication whatsoever in his letter that there was any priority. The letter merely listed the attached documents by their titles “eg. Consolidated list of Turkish Cypriot Proposals (revised text),” dated 18 March 2004. Para 20 also asserts that the Special Adviser had, in suggesting agendas for meetings and in primary discussions of the items clustered for consideration,

“left aside Turkish Cypriot demands which were clearly outside the parameters of the plan”.

These statements give a misleading impression of the tactics followed by the Special Adviser. What in fact happened, was that, at the start of the Nicosia phase of negotiations, the Special Adviser had on 20 February selectively assembled in a “non-paper” substantive points made by the two sides in New York on 10 February in their “Talking Points”. He grouped the sides’ points as four “clusters” of issues, suggesting that the sides concentrate on his “clusters,” which he so grouped as to indicate that there should be bargaining inside each cluster. This tactic of seeking to confine the sides to the clustered issues was rejected by both Mr Denktashh and President Papadopoulos. Moreover, President Papadopoulos emphasised in further “Talking Points” of 22 February, and orally in a meeting, that although the Special Adviser asserted he was not implying tradeoffs by virtue of grouping the issues into the four clusters, the only reason for their combination was trade-offs and many of the issues taken from Mr Denktashh’s 10 February speech were outside the parameters of the Plan. He explained that the Greek Cypriot side was not willing to discuss matters outside the scope of what had just been agreed in New York. The “clusters” therefore became an outline agenda only. Mr de Soto then waited until the sides had laid out their proposals, and then on 15 March submitted Talking Points on which he would “shuttle”. These Talking Points he listed in two categories. The first category attempted to get the two sides to discuss

“changes on the substance where one party or the other, or sometimes both, are seeking changes that affect the balance of one of the parameters of the Plan, or to respond to a demand from the other side for such changes.”

He made it clear that he looked for trade-offs here “within or between issues” and that the sides should prioritise changes. In his second category, he sought to discuss practical matters, so as to enable the Plan actually to work and for both sides to get what the Plan promised them. The Greek Cypriot side, relying on the Secretary-General’s undertakings in his 4 February 2004 letter that the parameters of the Plan should not be altered, refused to make proposals to that effect, and declined to be lured into opening up the first category by prioritising any matters within it. It was however anxious to discuss the practical matters to make the Plan work, and made proposals covering the second category, co-operating with the Special Adviser (as shown in para 25). The Special Adviser’s tactics of presenting the Turkish Cypriot demands in his “Talking Points” (although they were mostly outside the Plan’s parameters) and of suggesting that the sides start bargaining on these was therefore frustrated, so trade-offs could not be proposed by him (para 26).

14. Most Turkish Cypriot demands, which had only partially been abandoned, and which were outside the Plan’s parameters, remained. They consisted, inter alia of demands for permanent stationing of Turkish troops in Cyprus; a switch from the core bargain of political rights being based on place of residence and



not on ethnic identity; bi-zonality and bi-nationality restrictions to continue after Turkey's EU accession; and return of fewer Greek Cypriot displaced persons. The Special Adviser continued to look for "trade-offs" and "win-win" situations, using States with envoys at Bürgenstock to press the Greek Cypriot side into bargaining on these matters. The Greek Cypriot side declined to give priorities for this purpose. They had no expectation, in view of what had been agreed in New York (letter of 4 February 2004 as modified by the Spokesmen's Statement of 13 February) that the Secretary-General would use the limited discretion conferred upon him to insert in the Plan new matter going beyond its existing parameters. That the Secretary-General later saw himself as having *carte blanche* (despite his having been given a paper by the Greek Cypriot side "Talking Points," dated 17 March 2004, and setting out the framework in which the discretion was exercisable) is apparent from para 32 of the Report. The Secretary-General appears to think that, since it might fall to him to finalise the Plan, there was a duty on the parties (the Cypriots) to impress upon the UN their key priorities and to indicate what changes they might be prepared to live with to accommodate the other side. There is criticism of the Greek Cypriot side in paras 37 and 66 for not prioritising or engaging in give and take with Turkey and the Turkish Cypriots. But the negotiations had a framework, which should have been observed by all parties, not least by the UN.

15. The Greek Cypriot side was not being formalistic and rigid in declining to prioritise. Prioritisation was in any event difficult, because there were major inter-related points in connection with each strand of the Plan (functionality of the Constitution, security, implementation of the territorial, security and other aspects, property and residential rights, the situation under EU law etc). Nor was it possible to assess the outcome of particular "concessions" or "priorities," all aspects of the Plan being interconnected, until such time as the whole picture could be seen: specific points could not sensibly be singled out without appreciation of the overall balance. Finally, to have given priorities would necessarily have implied that, if some Greek Cypriot priorities or parts thereof were put in the final text by the Secretary-General, there would have been a "balancing" by his putting in the text as against these priorities provisions satisfying Turkish demands beyond the Plan's parameters, and that such a "balancing" had been agreed to by the Greek Cypriot side.

16. In essence, the SG's Special Adviser was following an improvised method of conducting the negotiations. It was a method aimed at a mathematical balancing of unrelated issues and which failed to concentrate on substance, or to have regard to principles of the UN Charter and international or constitutional law. A glaring example was his demand for priority lists, while he had before him detailed documents on all issues put forward by the GC side. Whilst we understand his effort to "simplify" things and meet time constraints, the Cyprus problem was not a matter to be dealt with in a simplistic way. The process was not intended to give the UN discretion to choose between parties' "key priorities," but only to make indispensable suggestions in the event of continuing and persistent deadlock (paras 32 and para 37).

17. Another method used in the Report to criticise the Greek Cypriot side is the suggestion in paras 21 and 66 that the Greek Cypriot side would not engage in "trade-offs" and give and take. However, the Greek Cypriot side offered to make trade-offs as regards its request for UN administration of the territories to be adjusted, offering in exchange full rehabilitation of affected TCs and intense work to this end. This was rejected by the TC side. Likewise a suggestion to trade-off Community representation in the Senate for removal of restrictions on resumption of residence by GCs was not accepted. Nor was there acceptance of a general proposal for trade-offs made on 20 March by President Papadopoulos in Nicosia. The only issues on which the TC side would engage and compromise were the composition of the Presidential Council and its functioning, especially as regards the EU, and a federal first instance court. All other GC proposals about security, implementation, the period of transitional government, treaties, Laws, property, Turkish settlers were flatly rejected.

18. In para. 26 the drafters after claiming that the TCs responded more positively, and trying to play down the "mini-crisis provoked by Mr Denktashh's decision not to attend phase 2 of the process", assert that the "asymmetry of the response" by the Greek Cypriot side prevented the UN from proposing trade-offs on the major issues. It is not surprising that the Turkish Cypriot appeared positive: they were being allowed by Mr de Soto's 15 March Talking Points "framework" to raise changes on substance affecting the balance of several of the parameters of the Plan, while the Greek Cypriot side was objecting, because the process agreed in New York did not envisage such changes (13 February statement read with 4 February letter). The GC side, although refusing to discuss the first category of changes, discussed the Special Adviser's second category (issues where the parties sought to ensure the Plan would work and to give each side what the Plan promised). Such issues were not "secondary issues," as the Report indicates, but major issues (implementation of the Plan, the question of whether there would be a long transitional period of joint government).

19. In para 83 it is mentioned, albeit in brackets, that 120,000 displaced Greek Cypriots would be returning under Greek Cypriot administration. This is most definitely not so. Based on the 1973 Census of population 85,000–90,000 displaced persons would be the maximum number able to return. They were not a majority of the refugees. It is curious, to say the least, why the Report exaggerates the number of displaced persons who potentially may return by extrapolating the population to its present levels including the descendants of many who have left Cyprus. The UN negotiating team well knows the true facts. At the same time, in para 51, it is mentioned that "over time 100,000 Greek Cypriots would be able to take up permanent residence in the Turkish Cypriot State". Here again the figures are grossly exaggerated and no time frame

is given. The actual potential numbers are as follows: between 2010–13 12,000–13,900 persons were eligible to resettle; between 2014 and 2018 the cumulative number would have increased to 26,700–31,500; and between 2018–23 the maximum cumulative number could have become 44,000 to 51,000.

20. As to territory, paras. 22 and 59 are contradictory. In fact the drafters attempt to shift responsibility for not clearing the map to the Greek Cypriot side, by saying (para 59) that they did not discuss their own territorial ideas, even informally with the UN. The UN team knew, however, that the territorial aspect, combined with the number of displaced Greek Cypriots to resettle under Greek Cypriot administration, was all along a main concern of the GC side. The drafters of the Report fail to mention that the “straightening” of the line between federated states had been repeatedly mentioned by the Turkish side, but this was, as it turned out, only a tactic to avoid discussing the territorial issue. Nevertheless, territory was always brought up by the Greek Cypriot team and the reference on para 22 proves it. Surely it did not escape the UN team that, even in the absence of the President in Brussels, Mr D Christofias, acting as leader of the Greek Cypriot side, at three separate meetings with Mr de Soto and the representatives of Security Council permanent members on the 26 March 2004, raised the territorial issue again and the Karpas area in particular.

#### *The second and third phases*

21. In para 35 it is mentioned that the Special Adviser of the SG was not able to meet the GC leader at Bürgenstock, due to Mr Papadopoulos’ other commitments in Bürgenstock and Brussels. This statement has no foundation. Mr de Soto showed signs of pique when, upon his arrival at Bürgenstock on 23 March, he asked to see the President at 7 pm, but the National Council had been convened to meet at that time in order to examine the “authorisation” granted by the leader of the TC community, Mr Denktashh, to Mr Talat and Mr S. Denktashh. The President’s office replied that he was available to meet Mr de Soto at 8 pm. At 7.45 pm, Mr De Soto stated that he could not meet the President at 8 pm. Nevertheless the meeting took place at 10.45 pm. As to the absence of the President in Brussels, Mr De Soto knew long before the Bürgenstock meetings that the President would be attending the EU Summit Council on the 25–26 March and that in his absence, Mr D Christofias was fully authorised to act in the President’s stead. It is completely denied that the Special Adviser had difficulties in meeting the GC side at any time, and one wonders why such statements are made.

22. Another inaccuracy appears in para 36 in relation to the framework presented on 25 March “for signing an agreement should one emerge by 29 March,” by stating that: “The Greek Cypriot side did not [react to this framework] but publicly indicated concerns about it”. This does not reflect the true facts. Mr Christofias on 26 March confirmed to the National Council that Mr Vassiliou had on behalf of the Greek Cypriot side notified Mr De Soto that there could be no signature, because this had not been agreed as part of the procedure in New York. Only thereafter was a public announcement made.

23. Para 37: On 1 March 2004 the GC side gave a general but full account of the changes it desired, explaining that further specific proposals would be developed as a result of the positions taken by both sides in the negotiations. Since the Technical Committees’ work also involved constitutional issues (many being placed in Laws) and the work was not finalised, specific amendments kept being made until 22 March. The Report tries to exaggerate the scale of GC demands (see para 12 above). As there pointed out, the Greek Cypriot side made only 44 pages of specific textual changes (all these set in their contexts) to over 9,000 pages of the Plan and its Annexes. This shows how careful the GC side was not to make extensive demands.

24. Para 39. There was no misreading by the Greek Cypriot side of what the Turkish side sought. What was sought was set out in Mr Ziyal’s 26 March paper, which came into Greek Cypriot hands through the press. On 29 March, the Secretary-General told Mr Erdogan that he had got virtually nine of the 11 points demanded and half of each of the balance. On 31 March he gave Mr Erdogan the remaining parts of Turkey’s points upon making the settlement primary law of the EU, lifting the quota barrier to immigration from Turkey, and providing for permanent stationing of Turkish troops in Cyprus.

25. Para 42.B, says constituent state constitutions were “exchanged for information between the two sides”. This gives a misleading picture. Although the TCCS constitution should have been given on 12 March under the arrangements made in New York and this date was complied with by the Greek Cypriot side, there was no TC compliance. Only on 28 March was the GC side presented with a document and given only a few hours to look at the TCCS constitution. After that very night being-provided with the Greek Cypriot side’s comments (which showed that there were many inconsistencies with the FA) the UN stated that it was too late to make any changes.

26. Para 42.C, para 45, para 54, para 63, misstate what Annan V provided. Annan V left it ambiguous whether the guarantors had to sign the Treaty into force before the Foundation Agreement came into operation. The GC side indicated its concern as soon as it discovered a change in Annan V on returning to Nicosia. On 6 April, Turkey failed to provide a proper commitment to undertake completion of its internal ratification procedures and to sign the Treaty into force. The UN was aware of Turkey’s failure, but decided, when Turkey declined to do anything, to “understand” Turkey’s evasive letter as honouring the commitment and the Secretary-General wrote to Mr Erdogan to such effect on 7 April 2004. Had this been left as it was, the Turkish Grand National Assembly could have delayed ratification and they, and President Sezer in terms of Article 89 of Turkey’s Constitution, could endlessly have batted back to each other a ratifying Law, thus being able to extort new concessions from a UCR without any Turkish troop reductions.

President Papadopoulos obtained a legal Opinion from two leading jurists, one a member of the International Law Commission and the other a former member, about the risks of this procedure for the future of Cyprus. Accordingly, President Papadopoulos wrote to the Secretary-General on 8 April 2004 with the Opinion, indicating that the referendum was dependent upon the Guarantor Powers' commitments being duly given (quoting the Secretary-General's 31 March letter). Only thereafter did the UN obtain a written assurance on 12 April from Turkey's Permanent Representative to the UN and on 18 April re-amended the Plan by Clarifications and Corrigenda. There is silence in the Report about Turkey's action to give herself room for manoeuvre not to sign the Treaty into force and silence about the Secretariat's unwillingness to do anything to secure compliance unless compelled to take action. It is interesting to note that these legal issues were associated with the UN's last minute changes on 31 March to the "null and void clause" of Annex IX should the referenda be negative. Earlier the UN had tinkered with the same clause, actually removing it without any forewarning, from the Plan in Annan III of 26 February 2003. Only President Papadopoulos' strong objection by letter of 28 February 2003 resulted in the clause being reinstated by the Corrigenda of 8 March 2003.

27. Para 42D. The draft Act of Adaptation of the UCR's accession to the EU contained in the Plan was not "in line with the principles on which the EU is founded". The Draft Act, annexed to the Plan, was adapted so as not to apply these principles, and so as to override them-by virtue of "adaptations" departing from these principles being made "primary law" of the EU.

Para 42E and para 69. These paragraphs give a false picture. President Papadopoulos did not "subsequently" to the Secretary-General's 16 April Report indicate his desire that the Foundation Agreement not be endorsed by the Security Council. At Bürgenstock it was made clear that the Greek Cypriot side did not believe endorsement by the Security Council should be used as a device to persuade the Cyprus public. Moreover, in para 69 the false statement is made that President Papadopoulos did not wish the Council to take decisions before the referenda "even on security issues". In fact, in his letter of 13 April (note also that this was before, not subsequent to, the 16 April report), President Papadopoulos requested the Secretary-General, while not seeking endorsement of the domestic arrangements for Cyprus, to "put the security aspect to the Council". Furthermore, the Permanent Mission of the Republic of Cyprus to the United Nations, upon instructions from the Government, conveyed to all members of the Security Council, on 20 April 2004, a Memorandum with specific proposals to be reflected in the draft Resolution presented to the Council. All proposals were addressing security issues and in particular were aiming at strengthening the provisions for the implementation of the Foundation Agreement, subjecting any right of intervention by the Guarantor Powers to a prior authorization of the Security Council, assuring the compatibility of the Treaty of Guarantee to the UN Charter and at stating clearly that the objective should be the total withdrawal of foreign military forces from Cyprus.

#### *Other provisions*

28. The Report from paras. 43-57 is written to show how "balanced" the Plan was and how much it was improved to meet GC and TC concerns. But, the Secretary-General did not have discretion to make "improvements" to address key concerns. The Report is written so as to obscure his assumption of the role of an arbitrator, whereas he had not been empowered to act in that way, and his Special Adviser misinterpreted the arrangements made in the 4 February letter and 13 February statement in New York to assume such functions. Indeed, the account of what the Report now calls the 13 February 2004 agreement and the "enlarged role" of the Secretary-General (paras 3-14) is designed to mask the appropriation of powers which were not agreed, which certain permanent members of the Security Council had earlier sought for the Secretary-General. Ultimately his Special Adviser "finalised" the Plan for the Secretary-General as if he had indeed been endowed with such a large competence. It needs adding that in the Report's promotion of the virtues of the Plan, setting out how improvements were "inspired" by the two sides' concerns, most of those attributed to the TCs were really those of Turkey, which, contrary to its role as agreed in NY, demanded that its major proposals of 26 March be accepted.

29. Para 46. The Secretary-General's proposals for assurances regarding implementation did not address the GC requests that the UN be involved throughout the period proceeding transfer of the territory due to the readjusted so that return of the property in good order could be ensured.

30. Para. 47. This alleged significant reduction in Turkish troop levels is misleading. Troop numbers would remain the same until 1 January 2011, and there would be 3,000 until Turkey's EU accession on 1 January 2018. GCs did not want this later reduction in exchange for permanent stationing of 650 Turkish troops (in effect a bridgehead).

31. Para 48 is misleading in many respects and designed to convey to any reader unaware of the hidden technicalities and "Catch 22s" in the property provisions that the changes favoured Greek Cypriot property owners and were designed to meet their concerns. In fact, the changes were designed to create the impression that all individuals were given back some of their property so that the property provisions would be more likely to withstand scrutiny by the European Court of Human Rights. In the same vein, para 48 depicts the changes as "providing that most Greek Cypriots would have some property reinstated in the Turkish Cypriot State. . . and all for returnees to four Karpas villages and the Maronite village of Kormakiti." This superficially rosy picture is deceptive. First, as regards homes, only persons who owned a dwelling at the

time it was built or had lived in it for 10 years were eligible for reinstatement. Second, current users' rights were significantly increased and their rights were to prevail over the entitlements of eligible dwelling-owners. Third, current users' rights would also prevail over the rights of returnees to the Karpas and Maronite villages, so "all" their property would not be returned.

32. The paragraph also misleads by implying that the total area of land returnable "would be roughly doubled," although the fine print is careful to refer to property "eligible, to be reinstated". Under the earlier scheme, there had been a 10% "ceiling" on the amount of land eligible for reinstatement. In addition, all owners could enter into long leases, thus keeping their properties. In the result, the limit was much higher than the 10% "ceiling". These proposals were removed in *Annan V*. Instead, owners could get up to one third of their property or one-third of its value whichever was the lower. Since 51% of the land area in the TCCS belongs to Greek Cypriots, they could in theory have been reinstated to up to 17% of the land. The drafter of para 48 in referring to rough doubling is casuistically comparing the 10% ceiling (which ignored the effect of owners' rights to keep leased property with this upper limit of 17%. Yet the rate of reinstatement will not be 17%, but far lower for three reasons: the rights given to current users; the double constraints of value and area, whichever first applies; and a prohibition on reinstatement to institutions (companies and the Church of Cyprus except as regards religious sites). Eligibility in theory there is, but, because of other unmentioned provisions, the overall amount of land actually returnable will scarcely be increased, if at all.

33. There is yet another misleading statement: "Restrictions on the establishment of secondary residence by Cypriot citizens anywhere in Cyprus were removed". All this sentence means is that persons may rent a property for this purpose, but, elsewhere in the Plan, the TCCS authorities are given power to restrict the purchase of property.

34. Finally, a property and residency ceilings package was not "discussed with all parties at Būrgenstock" and certainly not with the Cypriot side. The side's property team sat around in Būrgenstock waiting to be called to a projected meeting, but the call never came, so no package was discussed as para 48 wrongly alleges.

35. Para 49 misleadingly indicates that the alteration of permanent derogations from EU Law to 15 year derogations as regards rights to acquire property was to meet GC concerns. The GC side objected to any such limitation. Nor does the Plan remove all permanent derogations as asserted. In fact, it contains a permanent derogation demanded by the TC side, whereby the TC side can act to ensure that no less than two-thirds of its Cypriot permanent residents speak Turkish as their mother tongue (see para 51).

36. Para 50 does not even mention the words "Turkish settlers". A complex mechanism requiring the agreement of TCs in order to stem the flow of Turkish settlers after Turkey joins the EU or 19 years was substituted for a permanent fixed small quota to which the GC side had agreed. The change was in response to a demand by Mr Ziyal on 26 March. The new mechanism was that the Aliens Board, equally composed of members from each constituent state, would have to consult the European Commission. This would have to be done through the Federal Ministry of European Union Affairs. To give effect to any measures would then require regulations, which in turn would require approval by nine Turkish Senators, (since all immigration regulations under Article 25.2.c of the UCR Constitution have to be approved in this way.) Turkish Cypriot politicians with an electorate consisting of a majority of Turkish settlers and their descendants would therefore have to vote for restricting Turkish immigration once Turkey joined the EU.

37. Para 52. The GC side was never consulted about equal rotation of the first President and Vice President of the Presidential Council. Nor was it consulted about equal numbers of members of TC and GC Ministers with Turkish Cypriots holding crucial Ministries (such as Foreign Affairs and Defence with the full Turkish Army of occupation still present. This change is alleged to balance the fact that transitional government was a shorter period at GC request. Anything can retrospectively be said to be balancing anything.

38. Para 53. Ever since 1999 the GC side had said that it was unlawful for a settlement to interfere with individual rights and to strike out proceedings concerning property claims against Turkey. A device to satisfy the Court was substituted in the Plan since there were obvious doubts about the lawfulness of the Plan's property provision and the denial of access by individual victims to the Court. The new device was designed so as to be able to say to the Court that domestic remedies provided by the settlement must first be exhausted. In addition, the Co-Presidents were to write to the President of the Court and the Secretary-General of the Council of Europe to tell them of the Plan's provision of a domestic remedy. This stratagem was introduced upon demand by Turkey in order to protect her in cases now before the Court and is currently being relied up on by Turkey before the Court. The UN should not have been talking to the Court's judges and officials and interfering in pending cases before the Court in the interests of a State, or at all.

39. Para 55 asserts that there are to be "symbolic force levels" of Turkish troops even after Turkey's EU accession. 650 Turkish troops is not "symbolic". They are sufficient in numbers to constitute a bridgehead (in UNFICYP language)—as they did in late 1963 and in 1974.

40. A slightly larger number of police was a Turkish Army demand (Cumhuriyet 7.1.04). The avowed purpose was to avoid the demilitarisation provisions and to keep members of the "Turkish Cypriot Security Forces" in action.

41. Para 60. This is drafted to obscure the fact that the issue is “Turkish settlers”. Mr Pfirter told Bogazici University in Istanbul on 17 July 2003 that “the Plan does not foresee that anybody will be forced to leave”—his speech having outlined provisions indicating that 70,000 Turks could remain in Cyprus. On 15 March 2004, the Turkish Cypriot side, under Ambassador Ziyal’s guidance, asked for a list of “50,000 persons in addition to their spouses and children” to be granted UCR citizenship. Since some 18,000 settlers, married to Turkish Cypriots, were entitled to citizenship under another provision, Turkey was in effect asking for 68,000 settler families to be granted citizenship. On the basis of two persons per family (2 x 50,000) plus the 18,000 spouses of Turkish Cypriots, Turkey was therefore admitting to the presence of at least 118,000 Turkish settlers. The Plan as “finalised” provided for: a list of 45,000 persons; the spouses of Cypriots (18,000 plus); and 20,000 Turks as permanent residents, entitled in years to UCR citizenship, thus providing for some 83,000 Turks to remain. In addition, 18,000 Turkish University staff and students would remain as residents, while, under the Turkish immigration quota, another 10,000 Turks could settle (in fact stay). Thus, under the 2004 version of the Plan, 111,000 Turkish settlers were either entitled to UCR citizenship or to residence. Accordingly, Mr Pfirter’s 17 July 2003 statement that nobody would be forced by the Plan to leave remained accurate, while para 60 is deliberately misleading in suggesting that about half the “settlers” would have to leave Cyprus.

42. Para 61 implies that the Greek Cypriot side was not concerned in Cyprus about Turkey’s claim to a right of unilateral intervention and the Treaty of Guarantee. In fact, in Cyprus on 8 March 2004, in its “Talking Points” on “Security-Ratification of the Treaty related to the coming into effect of the Foundation Agreement,” the Greek Cypriot side rejected the Turkish Cypriot side’s view (expressed in their papers) that there was a right of military intervention and insisted that the Treaty of Guarantee did not empower intervention. At Bürgenstock on 30 March, the Greek Cypriot side asked for clarification that the Treaty did not empower unilateral military intervention. Following the Bürgenstock meeting, the Government of Turkey circulated to the Turkish General National Assembly a paper asserting that the Plan gave Turkey “the right of intervention” either alone or together with the UK and Greece. Since clarifications were still being finalised, the Greek Cypriot side on 15 April 2004 insisted that the matter, which involved a *jus cogens* rule of international law, must be clarified. It gave the UN an Opinion by 19 of the world’s leading jurists on the unlawfulness of unilateral intervention under the Treaty of Guarantee. The UN ignored this. The Report evades the issue by referring to a political factor—Cyprus’s EU membership—as creating a “different context” from earlier years when Turkey militarily intervened in Cyprus (1964, 1967 and 1974), forgetting that Turkey is still intervening in Cyprus, being in military occupation of 36.4% of the Republic of Cyprus.

43. Para 62 purports to deal with limiting the vote in the referendum in the north to persons who were members of the Communities in 1963. This conceals the issue. It is really about Turkish settlers voting. The UN was given an Opinion by 18 of the world’s leading jurists on the unlawfulness, of letting settlers vote. The Greek Cypriot side had raised this issue continuously. Most notably, President Clerides raised it on 24 July 2000 at Geneva, when Mr de Soto gave his Preliminary Thoughts on a Plan for Cyprus. President Clerides also raised it many times thereafter, as did President Papadopoulos in letters of 28 February 2003, and 22 March and 25 March 2004. However, when the issue was yet again raised by President Papadopoulos as the referenda approached, the UN Secretariat briefed diplomats that, by raising “settlers,” the Greek Cypriot side was attempting to torpedo the talks. The SG did not take up the President’s request to discuss at Bürgenstock modalities easily and quickly to settle the issue. Nor did he ask for extension of his mandate, having doubted that it was within his role to deal with the matter. He merely stated that raising the issue was a major addition to the Plan which was before the Parties and that it undermined a fundamental parameter of his Plan. This approach of not touching fundamental parameters was inconsistent with his willingness to add the parameter of Community representation to the Senate and elections for the Senate (para 51) in order to satisfy Turkey. Reference in connection with the whole settler issue, (in particular to settlers voting) should be made to President Clerides’ statement on 24 July 2000 at Geneva and to international law, under which the UN and its officials are supposed to operate—especially as the TCs, whom the Secretary-General applauded, were, many of them, settlers who knew that under the particular Plan they could stay in Cyprus. The settlers issue had repeatedly been raised and in detail long before the recent talks. President Clerides had on 24 July 2000 advanced a long argument depicting the illegality of settlers and, the various relevant instruments (Fourth Geneva Convention etc.) He had concluded by saying: “. . . The Greek Cypriot side expects UN representatives who are assisting in the settlement of disputes to do so in the spirit of the Purposes in the UN Charter, that is, to see that the dispute is settled in conformity with principles of justice and principles of international law. I do not believe there should be silence about remedying these grave breaches of international law.”

44. Paras 65 and 66. The Report indicates surprise at President Papadopoulos’ views on the unwisdom of the Plan. Yet the UN knew that President Papadopoulos had constantly expressed doubts since his 27 February 2003 meeting with the Secretary-General, when the Plan was still subject to negotiation and had not been finalised in the way it was at Bürgenstock. By the end of March 2004 the Plan’s balance was not acceptable, particularly in view of the Secretary-General’s decision to finalise provisions which meant that large numbers of Turkish settlers would remain in Cyprus and politically control the TCCS. This possibility had always been rejected by the GC side. Without settlers as the dominant voting body in the northern part of Cyprus, the Plan would be different. Moreover, the active intervention and direction of

Turkey had become ever more apparent, and she was in 2004 again, as in earlier years, explicitly claiming a right of unilateral military intervention. Above all, the Plan had not been so modified in the negotiations as to meet the conditions set out in February 2003 by President Papadopoulos for his support.

45. In para 66 it is suggested that the GC side might have been given what it wanted had it complied with the Special Adviser's negotiating desires. This is fallacious, because the Secretariat and the two Permanent Members of the Council active in the talks process wanted Turkey to get what she desired. What the GC side wanted conflicted with that.

46. Para. 71 is misleading. Cyprus does not have "State television". The Cyprus Broadcasting Corporation is operationally independent, although State-funded. President Papadopoulos wrote this to the Special Adviser on 21 April, when he told President Papadopoulos in his letter of 20 April 2004, that a journalist who had wished to interview him "had been instructed not to interview foreigners". The President also pointed to the fact that Cyprus had a lively and well-functioning democracy in which the media are virtually unfettered and that newspapers and the media were replete with analysis and commentaries on the UN Plan. Indeed, Mr de Soto was given much space in leading newspapers and his statements were reported on the news programs carried by the electronic media. Para 71 is designed to cast doubt on the fair and free conduct of the referenda.

47. Even when it comes to the Report on technical aspects (Annex II) this is less than candid. It claims that three international judges "were selected in close consultation with the parties". This is false. The UN would not accept the Greek Cypriot side's nominations from a list of names of judges supplied by the UN. They rejected very distinguished human rights jurists and Mr Pfirter insisted on his own choice in one case while in the other case the lame excuse was used that there was no time to check that the nominated judge was still available, although the UN had been notified of the Greek Cypriot wish that he serve (his name having been put forward by the UN) a week before the UN decided whom to nominate. The decision was announced to the Greek Cypriot side without consultation with it, but with full consultation with and after having given a short list to the Turkish Cypriot side.

A far more significant aspect is that the Report gives a misleading impression of improving functionality (para 44) and of indicating that the Plan represented a solid and workable economic basis for reunification of Cyprus (Annex II, para 9). The Report did not explain that important recommendations by the Technical Committee on Economic and Financial Aspects of Implementation (which had only been appointed at Greek Cypriot insistence) had either been changed or not included in the final, fifth Annan Plan and the accompanying Laws. Indicatively, the "Record" of Recommendations of Technical Committee on Economic and Financial Aspects of implementation," submitted by the UN on 25 March 2004 to the two sides, had noted that "the Cyprus Pound mentioned in the Plan is the current Cyprus pound". This note was not included in the accompanying Central Bank Law attached to the fifth Annan Plan. Again, the Committee had recommended that in the future Monetary Policy Committee (ensuring currency stability) the Greek Cypriot side should have a majority of members, but the final version of the Plan, provided for equal representation of Greek Cypriots and Turkish Cypriots. Moreover, the Committee had recommended that the branch of the Central Bank in the TCCS should be closed one year after the entry into force of the Foundation Agreement, subject to the possibility of a contrary recommendation from a working group including IMF and EU experts. Yet the Plan left open the possibilities of maintaining the branch in the TCCS and of widening its responsibilities. Such a development could seriously undermine the effective exercise of monetary policy. Even more seriously, the Committee had recommended that "An advisory Council should be created to serve as the main coordinating vehicle between the federal and constituent states to define a joint fiscal policy stance and contain and manage new borrowing by an Internal Stability Pact within the MSC". There were detailed provisions on the functions of this Macroeconomic Stability Council and on the borrowing limits of all levels of government, but the Plan and the accompanying Laws only referred to the possibility of setting up an MSC with an advisory role by a later federal Law. Yet again the Committee tackled the issues of prevention of harmful tax competition and taxation of commuters, whereas the fifth Plan and Laws were silent. Finally, the Committee had defined federal economic policy, whereas the Plan did not touch upon this major issue. All these Committee recommendations were agreed by the Committee's members, including the Turkish Cypriot experts, but Annex II, while it indicates that implementation of the Committee's recommendations would ensure a workable economic basis for a reunified Cyprus, is silent as to the departures from these recommendations by the Plan.

48. Para 76. The non-utilisation of "the opportunity for frank negotiations was certainly not due to unwillingness by the Greek Cypriot side" to negotiate. At Bürgenstock, it sat about in waiting, vainly hoping to be called to meetings, but the UN did not organise any meetings. Earlier in Nicosia, Mr Denktashh was in charge and would not negotiate.

49. Para 76. The Plan was negatively presented by Mr R Denktashh and Mr S Denktashh, as well as by the President and some Greek Cypriot political figures. Likewise it was positively presented by politicians from both sides (Mr Talat, Mr Anastasiades, Mr Clerides and Mr Vassiliou). More GCs voted for the Plan than TCs (99,976 GCs to 77,646 TCs including settlers). "One side" cannot be singled out as having unfairly presented the Plan to the public.

50. Para 78. Mr Erdogan committed himself to being "one step ahead in the efforts for a solution". This is exactly so. It was a matter of PR tactics. There was no Turkish support for territorial concessions or for security changes which could have crowned the Secretary-General's effort with success.

51. Para 83. It was not “the solution itself” which was rejected. It was the “blueprint” which Mr de Soto produced that was rejected. The benefits listed in para 83 were precisely why the Plan, as it evolved from Versions I, II and III, was kept as the basis for negotiations. It is why Version V will also be a basis for negotiations, although it will certainly require some important modifications.

52. Para 86. Turkish Cypriots must, not just by word, or by a cross of the pen, also demonstrate their willingness to share. That is why they too must cooperate in measures to re-integrate their economy and develop it with joint participation by Greek Cypriots and the Government of Cyprus, which has sovereignty over all Cyprus, especially since governmental arrangements are matters within the domestic jurisdiction.

*Concluding remarks*

The GC side is grateful for the efforts and involvement of the SC and the good offices of the SG. It remains committed to exerting all efforts that may be needed to achieve a final solution and reunification of the Island in a bi-communal and bi-zonal federation. The recent democratic outcome of the Referendum, conducted in accordance with the Plan in the GC community, is in no way a rejection of the solution itself (as the drafters of the Report seem to infer in a sweeping statement in para 83) but only marks voters protest in relation to the specific plan as it emerged from the Bürgerstock meetings.

**Letter to the High Commissioner of the Republic of Cyprus from the Clerk of the Committee,  
26 November 2004**

It was a great pleasure to meet you when you called on Donald Anderson earlier this month. As you know, members of the Committee visited Cyprus shortly after that meeting. The visit was very useful in clarifying a number of the issues which the Committee is considering, and we were able to gather much relevant information. The Committee is most grateful to the Government of the Republic of Cyprus for their co-operation with this visit, and for the high-level access which was generously given to us.

The Committee has asked me to write to you, requesting some further assistance with its inquiry. Members have found it very helpful to have access to President Papadopoulos’s letter of 7 June to UN Secretary-General Annan, and to the subsequent statement in which the Government of the Republic of Cyprus has set out its concerns with respect to the Annan Plan. As it prepares its Report to the House, the Committee would also find it helpful to receive copies of any correspondence or statements which articulated the concerns of the Government of Cyprus before the Secretary-General presented the final text to the parties on 31 March. The Committee is of the opinion that such papers could be of great assistance to it in forming its conclusions.

A response to this request not later than 20 December would be greatly appreciated.

*Steve Priestley*  
Clerk of the Committee

*26 November 2004*

**Letter to the Clerk of the Committee from the High Commissioner of the Republic of Cyprus,  
10 December 2004**

Further to your letter dated 26 December 2004, by which the Committee requested additional information on the concerns articulated by the Government of Cyprus regarding the Annan Plan, I enclose herewith the relevant documents conveyed by my Government to the Secretary General of the United Nations, during the course of negotiations and before the presentation of the final text of the plan to the parties on 31 March 2004.\*

I also enclose a Memo dated 20 April 2004, which was forwarded to all members of the UN Security Council, before the discussion on the Security Aspect of the Plan.

It would be greatly appreciated if the enclosed documents were circulated to all members of the Committee.

I remain at your disposal for any further information or clarifications that you may need.

*HE Petros Eftychiou*  
High Commissioner of the Republic of Cyprus

*10 December 2004*

**Letter to the Clerk of the Committee from the High Commissioner of the Republic of Cyprus,  
29 December 2004**

Having had the opportunity to follow the oral evidence proceedings of the Foreign Affairs Committee in the framework of the inquiry on Cyprus, we were struck by the fact that certain Turkish allegations were brought to the forefront in respect to the two draft regulations proposed by the EU Commission, concerning

\* Footnote Enclosures no printed.

financial aid” to the Turkish Cypriots and the so called “direct trade” regulation. Knowing of your keen interest in Cyprus I am sure that you would be interested to have the full and accurate facts of the matter put at your disposal, I have, therefore, taken the liberty of addressing my present letter to you in order to provide you with the relevant information.

As I am sure you know the two draft regulations were put forward by the Commission following the conclusions of the General Affairs Council of 26 April 2004.

The relevant passage of these conclusions stated “that the Council is determined to put an end to the isolation of the Turkish Cypriot community and to facilitate the reunification of Cyprus by encouraging the economic development of the Turkish Cypriot community. The Council invites the Commission to bring forward comprehensive proposals to this end, with particular emphasis on the economic integration of the island and on improving contacts between the two communities and with the EU. The Council recommended that the €259 million already earmarked for the northern part of Cyprus in the event of a settlement now be used for this purpose”.

In carefully analysing these conclusions one cannot but conclude that the overriding “mandate” given is to provide such proposals which would facilitate the reunification of Cyprus, the economic integration of the island and improve contacts between the two communities and with the EU.

Nowhere, and in no way, do the Conclusions even hint at proposals that would go in the opposite direction, namely, strengthening the existing division, promoting separate economic development and independent relations with the EU, and most importantly, the cessation of the already evolving inter-communal economic and other activities.

With regard to the draft regulation on “financial aid”, I consider it extremely significant to remind that it was the Foreign Minister of the Republic of Cyprus, HE Mr George Iacovou, who before anybody else, formally proposed that the €259 million, earmarked for the Turkish Cypriots in the event of a settlement, be immediately made available to them even though a solution had not been achieved.

Furthermore, the Republic of Cyprus eager to facilitate the successful conclusion of this effort contributed with certain proposals, at the drafting stage, that would have served the declared objectives of the effort, in a manner that would have been legally correct, thus, making its implementation unassailable before any court of law. Attempts to amend the text proposed by the Commission by certain players, in a manner disregarding the legitimate concerns of the Government of the Republic of Cyprus, unavoidably led to a lengthy discussion of the draft regulation, whose text was finalised and eventually agreed upon only by mid November 2004.

Taking into account the clear mandate of 28 April 2004, one would have expected that every effort would have been made for its speedy implementation, as in fact my Government proposed. Unfortunately, however, certain third countries, including the United Kingdom, have refused to cooperate in a constructive manner, in reaching an agreement on the text of this draft regulation holding it, in a manner of speech, “hostage” to agreement being achieved on the so called draft regulation on “direct trade”. This conditionality in fact is what held up the implementation of the draft regulation on “financial support” and not any prevarication on the part of the Republic of Cyprus.

The draft regulation has been agreed upon and we see no substantive reason for any further delay in its implementation. In fact, bearing in mind the innuendos left hanging in respect to possible responsibilities of my Government, one really wonders as to the reasons behind the blocking tactics we have observed.

Having set the record straight in respect to the “financial aid” regulation, which anybody directly involved with the subject cannot but be aware of, it really is amazing to hear testimonies alleging to so called prevaricating tactics on behalf of the Government of Cyprus.

Turning to the second draft regulation, the so called “direct trade” regulation, we are once again faced with a situation whereby the Commission has not confined itself to its mandate. It disregards the fact that the entire territory of the Republic of Cyprus acceded to the Union and, chooses to sideline Protocol 10, arbitrarily deciding to adopt Art. 133 of the EC Treaty as the “legal basis” for the draft regulation, which effectively provides for trade with a third country. This approach is legally wrong and politically questionable.

It should be noted, in this regard, that upon a request by a number of Member States the Legal Service of the Council of the European Union gave a written opinion on the matter with which it unambiguously vindicates the positions of the Government of the Republic of Cyprus. In fact, the opinion states that accepting the Commission’s premise in respect to Art. 133 would amount to a “misuse of power and would render the adoption of the act illegal (Art.230)”. A copy of the said legal opinion is attached herewith.

That the Commission did not have such a mandate can be ascertained by simply reading the previously quoted General Affairs conclusions of 26 April 2004. While the Council asked the Commission for proposals that would give “particular emphasis on the economic integration of the island and on improving contacts between the two communities . . .” the Commission’s proposals go exactly in the opposite direction promoting separateness and non-cooperation.



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What is even more extraordinary is that, while the above effort for “direct trade” has been promoted, a regulation (Reg. 866/2004) known as the “green line regulation” is already in place for trade both within the island and with EU Member States. This regulation has not been given the chance to prove its worth, in view of the efforts to promote the draft regulation for the so called “direct trade”, thus, in a way undermining the purposes for which the whole effort was undertaken by creating counter-incentives for the Turkish Cypriots in cooperating for the effective implementation of the “green line” regulation.

Illustrative of the lack of spirit of cooperation for the implementation of the “green line” regulation was a message sent to the Cypriot Chamber of Commerce and Industry by the Turkish Cypriot Chamber of Commerce, in response to the former’s efforts for joint ventures between textile manufacturers, from both communities, stating that: “the textile manufacturers association in the north do not seem to be interested in meeting their counterparts”. Copy is attached herewith.<sup>5</sup>

Moreover, the Turkish Cypriot leader, Mr Talat persisted in pointing out the need for coupling the two proposed regulations. Exemplary of the fact was the letter sent by Mr Talat to the 24 Heads of State on 1 June, clearly stating that the Turkish Cypriots “In fact do not believe in intra-island trade . . .”.

The draft regulation on “direct trade” amounts in effect to use of the declared closed ports and airports in the occupied areas of Cyprus. As you very well know, the Government of the Republic of Cyprus is the sole sovereign Authority to determine which of its ports and airports are open and functioning, and to define the terms of operation for these ports and airports. Moreover, the Republic of Cyprus has every right to declare the ports and airports in the areas under Turkish occupation as closed, having especially in mind that the legitimate Authorities of the Republic are not in a position to control and impose the terms of operation on these ports and airports, as well as the relevant obligations emanating from international treaties, including air safety and the fight against terrorism.

In concluding on this particular issue, let me stress, in the strongest possible terms, that the Government of the Republic of Cyprus does not oppose the facilitation of trade between our Turkish Cypriot compatriots and the rest of the EU. Such trade, however, must be based on legality and be pursued on the basis of the existing Reg. 866/2004, for whose unimpeded functioning, the Republic of Cyprus has made a number of practical proposals and has shown the utmost of flexibility. These proposals aim at simplifying VAT procedures, widening the range of goods, (including the main Turkish Cypriot export item of citrus fruit), allowed to cross the line, duty and tax free, and increasing the number of crossing points. Furthermore, and as a practical expression of the Government’s willingness to facilitate the Turkish Cypriot traders, an additional proposal has been made in respect to the port of Famagusta, and a special hub in Larnaca port for the exclusive use of Turkish Cypriots.

Regrettably, there was no positive reaction regarding the Governments proposal to grant authorisation for the re-opening of Famagusta port for trade purposes, with primarily a Turkish Cypriot workforce under the aegis of the European Commission and the co-management by Turkish and Greek Cypriots, following the return of the fenced area of Varosha to the control of the Government Had this proposal materialised, the port would be open to economic operators from both communities under equal terms and would be operating for trade purposes under the European Commission’s supervision, with the participation of Turkish and Greek Cypriots alike, and pursuant to an EU regulation.

Having said all of the above, I think it must be evident that, had in fact the goal been to facilitate Turkish Cypriot trade, then this could be sorted out quite quickly, in a manner that would be both legal and would also serve the purposes for which the Council mandated the Commission to make proposals.

On its part the Government of the Republic of Cyprus stands ready to make its own contribution and show all possible flexibility in cooperating with its partners to achieve the goals stated. What remains to be seen is whether other, third parties involved, including the UK, will act in a similar manner and in line with what the Court of Justice said concerning the fact that the duty to cooperate in good faith governs relations between Member States and the institutions; an obligation that “imposes on Member States and the Community institutions mutual duties to cooperate in good faith”.

I would be grateful if the present letter is circulated to all the Members of the Foreign Affairs Committee of the United Kingdom Parliament.

*HE Petros Eftychiou*  
High Commissioner of the Republic of Cyprus

29 December 2004

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<sup>5</sup> Not printed.

**Letter to the Clerk of the Committee from the High Commissioner of the Republic of Cyprus,  
13 January 2005**

RE: INQUIRY ABOUT UK'S POLICY TOWARDS CYPRUS

I would like to thank you for your letter of 6 January 2005 and avail myself of this opportunity to enclose a Memorandum by the Ministry of Foreign Affairs of the Republic of Cyprus, regarding the issue of "Operation of ports and airports in the areas of the Republic of Cyprus under Turkish military occupation", which, I believe, the members of the Committee might find useful with regard to the inquiry.

*HE Petros Eftychiou*

High Commissioner of the Republic of Cyprus

**Memorandum by the Ministry of Foreign Affairs of the Republic of Cyprus regarding the Operation of  
Ports and Airports in the Areas of the Republic of Cyprus under Turkish Military Occupation**

Under international law, every State has, as a matter of sovereignty, the indisputable right to determine which of its ports and airports are open and functioning, as well as to define the terms of operation and access for these ports and airports; there is no right for ships of one State to enter the ports of another, unless such a right is established by treaty.

No State is obliged to open any of its airports to international traffic unless it has bound itself by treaty to do so. Every State has also the indisputable right to close certain ports and airports for reasons that it is alone competent to determine.

The Republic of Cyprus, as the territorial sovereign, has every right to determine that the ports and airports in the areas under foreign occupation are closed due to military occupation; such a position is absolutely logical and self-evidently reasonable, having especially in mind that the Republic is not in a position to control and impose the terms of operation on these ports and airports, or to secure the discharge of its obligations under, international and EU law (especially those relevant to maintenance of navigational aids and other aspects of the safety of shipping, transboundary international crime, security, illegal immigration, narcotic drugs trafficking and terrorism).

The ports in the occupied areas of Cyprus were closed by an Order of the Council of Ministers of the Republic of Cyprus, of 3 October 1974, which was communicated to the International Maritime Organisation on 12 December 1974 for distribution to its Member States.

The ports having been closed by the Government, it is for the Government to determine whether, when, and on what conditions they shall be reopened. The sovereign Republic of Cyprus alone, and nobody else—any third party—has the right to decide that the ports in the areas under foreign occupation will operate again. The same applies to the airports, which were built in the occupied areas after 1974, and the functioning of which was never authorised by the Cyprus Government.

A decision to open or reopen the port and airports in the northern part of Cyprus falls quite clearly within the category of public acts that can only properly be taken by the recognised government, ie, the Government of the Republic of Cyprus. The subordinate local administration established by Turkey in the occupied areas of Cyprus (European Court of Human Rights in its judgment in the Case of *Loizidou v Turkey*) has no right to take that decision. Thus, even though the "authorities" in the occupied areas of Cyprus operate ports and airports, all States are under a legal duty not to consider those ports and airports closed.

Furthermore, the Chicago Convention on International Civil Aviation, the constitutive instrument of ICAO, to which 188 Countries including Cyprus, Turkey, the United Kingdom and the United States of America are contracting States, affirms that every State has "complete and exclusive sovereignty over the airspace above its territory" (Article 1). The Government of the Republic of Cyprus, under the principle of "complete and exclusive sovereignty", has the right to decide whether to permit aircraft of other States to enter Cypriot airspace, and on what terms. This includes aircraft of any flag, and, of course, means the airspace of Cyprus as a whole.

Consequently, air services to and from the northern part of Cyprus, if conducted without the approval of the Government of the Republic of Cyprus, violate Article 1 of the Chicago Convention.

THE CASE OF TAIWAN

It has been invoked, unfoundedly, that the ports of Taiwan, an unrecognised entity, operate and that this case could serve as a precedent. Any comparison between the two situations is completely inappropriate, since it concerns two absolutely different cases. Taiwan is effectively a "derecognised state" which exercises residual functions.

However, in the case of "government" established as a result of the invasion of one State by another, as is the case of Cyprus, international law rules very clearly that such "government" and occupation must not be recognised. For the case of Cyprus, one should recall more particularly that the Security Council

explicitly “calls upon all States not to recognise any Cypriot State other than the Republic of Cyprus”, (resolution 541 (1983)), and “not to facilitate or in any way assist” the so-called “Turkish Republic of Northern Cyprus”, (resolution 550 (1984)). No similar resolutions exist in the case of Taiwan.

#### PARTICULAR OBLIGATIONS WITHIN THE FRAMEWORK OF THE EU

According to an established case law of the European Court of Justice, the European Union is bound to comply with mandatory obligations under general international law and with Security Council resolutions. Therefore, the obligation under international law and relevant Security Council resolutions to fully respect the sovereignty and territorial integrity of the Republic of Cyprus, which includes the obligation to respect the right of the Cyprus Government to regulate access to its ports and airports, binds both the Member States and the institutions of the Union.

Furthermore, this obligations strengthened by the existence of a specific duty of loyal cooperation between the Member States and the European Community enshrined in Article 10 of the EC Treaty. In that respect, the European Court of Justice held that the said duty “imposes on the Member States and the Community institutions mutual duties to cooperate in good faith”, (Judgment of 16 October 2003, in Case C-339/00).

Moreover, as has been recognised by the Legal Service of the EU Council (Opinion of the Legal Service of 25 August 2004, Doc. No 11278/04), the duty of loyal cooperation would be breached if the Member States or the institutions of the Union were to ignore the sovereign right of the Government of Cyprus to declare the closure or to authorise the opening of ports and airports situated in the occupied areas of Cyprus.

23 December 2004

#### Written evidence submitted by Dr Vassilis K Fouskas, Reader in International Relations, Kingston University

#### CYPRUS

##### *Executive Summary*

The Annan Plan did not provide for a solution to the Cyprus issue. It was a temporary “fixing of the problem” serving, first and foremost, the interests of the US, the UK and Israel in the Eastern Mediterranean. Had the Annan Plan gone through, the strategic position of the UK would have been worse off in the greater Middle East. As things stand at the moment, and given the passivity of the Greek Cypriots concerning the Sovereign Base Areas (SBAs) on Cyprus, the UK should take the initiative to unify Cyprus within the EU on the basis of the European *acquis*. This will not damage its strategic position and the status of SBAs, but it will certainly upgrade the UK’s posture in the Eastern Mediterranean and the Middle East, *vis-à-vis* both Israel and Turkey.

#### THE UK AND THE ANNAN PLAN

The UK, through the offices of Sir David Hannay, has played a major role in the drafting of the UN Plan. The Plan proposed a fragmented polity, a limited right to return for Greek Cypriot refugees and a reinforced continuation of the Treaties of Alliance, Establishment and Guarantee. This, the offices of Sir David Hanney have hoped, would serve Britain’s strategic interests in the region and Cyprus. This is an illusion. There is no divisive Cypriot policy that could serve British interests any more as in the 1950s and 1960s. Quite the opposite is the truth. Today, a fragmented Cypriot polity and a continuation of Turkish occupation serve other interests in the region, such as Israel’s occupation of the West Bank and the Gaza strip. With the island’s polity fragmented and with the positioning of Turkish and Greek troops on it, as well as the surveillance of the Israeli, American and Turkish airforce and naval power in the area, Britain is reduced to a third class power in this crucial theatre. The strategic interests of Britain are best served by abandoning any idea of supporting a new divisive version of the Annan Plan.

#### THE EU AND CYPRUS

The admission of the Republic of Cyprus to the EU represents a new democratic challenge for every European citizen. The division of Cyprus cannot be compared with that of Germany during the Cold War—a parallel which many, particularly pro-Greek Euro MPs, draw. Cyprus was subjected to two consecutive Turkish advances in summer 1974 on the pretext to protect the Turkish Cypriot minority there. The Turkish forces occupied the most prosperous part of the island. The Soviets, needless to say, did not go to Germany to protect any minority. But 1945 Eastern Germany was economically far behind that Western Germany, and remained so until the fall of the Berlin Wall. With Cyprus, it is the other way round. Now the occupied North lags far behind the Greek South and even from some parts of Western Turkey.

Thus, Cyprus represents a unique challenge for the EU in that it provides the best testing ground for the implementation of the *acquis* throughout the island. This, first and foremost, can begin by boosting the social economy of the North, while simultaneously applying pressure on Turkey to cease control of Varosha, and then in time, of all other occupied areas. This will be taking place in parallel with Turkey's accession negotiation process. It is imperative that the two communities begin mingling with each other, as in the past, before 1974 and 1963.

#### *The role of the UK in the negotiations*

The UK can and must play the most positive role by encouraging reconciliation and "mixing" between the two communities. This will have the additional advantage of releasing Britain from its besmirched past of "divide and rule", a history that Britons themselves feel ashamed of when confronted with it. But the Annan Plan was not providing for such a framework. It was not rebuilding friendship between the two communities. A good many of its provisions were clearly racist and even preposterous. The UK must reassume head-on the initiative from both the UN and the US, an initiative that has given up since 1963 for the sake of Dean Acheson's conspiracy mission. This will bring the UK back to the Eastern Mediterranean as a civilising force, while raising its stakes again in the greater Middle East.

#### THE ANNAN PLAN AND THE NORTH

Whatever is happening now after the rejection of the Plan would have happened anyway even if it had been approved. What do I mean by that?

The EU would have extended, and rightly so, enormous economic assistance to the North, an assistance that started well before April 2004; The Talat administration would have taken a tour to European capitals seeking for further support in order to consolidate the power of its constituent micro-State; Turkey and the US would have lobbied further the EU in order to give Turkey a date in December 2004 to begin accession negotiations; and so on and so forth.

So I argue strongly that there are no negative implications for the Turkish Cypriots whatsoever. Not even legal ones, and you do not have to apply for naturalisation to become a British citizen to realise the status lent to the "Turkish Republic of Northern Cyprus" by Britain's Home Office authorities.

#### BRITAIN AND NORTHERN CYPRUS

Britain has no interest, strategic or otherwise, to play the "good big brother" to TRNC, although it should assist Turkish Cypriots economically and in terms of reintegrating them with the Greek Cypriots. Britain should not see Cyprus in a horse-trading manner with Turkey in which British support for the TRNC would lend special privileges to British companies in Mosul and Kirkuk, or to BP, which is heavily involved in the construction of the Baku-Tbilisi-Ceyhan pipeline. This is a failed balance-of-power game played out and lost since at least the inter-war period. What Britain should do is to regain the initiative in both parts of the divided island seeking reunification and reconciliation. The ultimate goal should be the establishment of an independent, sovereign Republic of Cyprus, a member of both NATO and the EU. The first step towards this is the establishment of an authentic political and economic agency with funds drawn from all interested sides. It can be under the directorship of UK authorities. This should be seen in an EU and NATO context, but without Turkish or Greek military involvement. It should also be monitored in parallel with Turkey's accession negotiations. Turkey will be convinced that this is the right perspective, because similar reintegration activities will be implemented in relation to its Kurdish minority and within the EU. This is what will set the best example for a solution to the Arab-Israeli conflict. The alternative is the continuation of ethnic tension between Greeks and Turks on Cyprus, between Kurds and Turks in Turkey and between Jews and Palestinians in Israel and Palestine proper.

#### CYPRUS, TURKEY AND THE EU

Technically, the solution to the Cyprus issue is not a criterion for Turkey's entry to the EU. Politically, however, it is. But the result of the referenda puts obviously the moral argument onto Turkish Cypriot lips, because they also feel—and must become—members of the EU. Thus, Erdogan's Turkey is relieved of the burden, but the Turkey of the Generals is also equally happy, because they do not move from Cyprus. The approval of the Annan Plan would have made them concede some 80% of "their" territory, after a transition period of three years—an issue which many debated, as there were no enforcement agencies providing guarantees that the Turkish troops will in fact withdraw after that transition period.

Time and again, Cyprus's authentic reunification can take place in parallel with Turkey's accession process and under the auspices of a generous British initiative that will aim to go beyond the divisive and racist aspects of the Annan Plan. This will upgrade the strategic position of Great Britain in the Eastern Mediterranean and the greater Middle East, while both sides on Cyprus would be considering the UK as a returning civilising force and not as a returning colonialist.

*Dr Vassilis K Fouskas*

30 July 2004

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**Written evidence submitted by Christopher Price**

I note that you are about to do a Cyprus enquiry. I am possibly the only member of the 1975 select committee still in contact with the political situation and still writing. The attached piece I expect to be published sometime in late August or September. I felt it may be of interest. I'm copying this to Andrew Mackinlay (whom I know well). I wonder if you could give a copy to the Chairman—who knows me well.

*Christopher Price*

31 July 2004

**CYPRUS, THE UN AND THE TURKISH GENERALS**

Exactly 50 years ago this July there was a classic row in the House of Commons just before the summer recess. Henry Hopkinson, a long forgotten conservative colonial secretary, used the “n” word from the dispatch box. In an astonishingly prescient statement about the future of Cyprus, he said that there were some countries which could never expect to be fully independent. The sentence had all the fingerprints of the security services on it, both British and American; under the post-war settlement, the US regarded the military bases and the information from the listening stations on the island quite as much as theirs as ours. As a result Cyprus attained only qualified independence, an independence further restricted when Kofi Annan, earlier this year, accepted a Turkish demand that its troops, like those of the British, should retain to right to stay in Cyprus in perpetuity.

Hopkinson's statement was followed by (and plausibly actually generated) a chain of events—a war of independence, British military bases, a phoney constitution, an invasion by the Turks and a divided island with an unrecognised mini-state in the north. More recently the United Nations took on responsibility for finding a solution in Cyprus, once its application to join Europe had been effectively insulated against a Turkish veto. (“Turkish veto” here is shorthand for the EU agreement to allow the Cyprus application to go forward to full entry whether or not political reunification was agreed by the entry date.) This elaborate finesse of playing the UN and the EU cards simultaneously, has proved in the event too clever by half and made the eventual unification of Cyprus more intractable than ever.

The parties to the UN negotiations, Greece, Turkey, the (Greek) Cypriot government and the (still internationally unrecognised) Turkish Cypriot administration met in April at Bürgenstock in Switzerland, having allowed Kofi Annan in advance to make his own arbitration decisions on any unresolved issues when the negotiations ended; in their final stages a last minute tranche of extra demands were made by the Turkish military—which the Turkish Cypriots had not asked for and did not want. Urged on by the EU and the US, Annan accepted them all—including the proposal that Turkish troops remain in the island in perpetuity. This concession was calculated to smooth the path of Turkey towards EU membership (the deadline for negotiation on which has been set for the end of 2004) and to demonise the Greek Cypriots as scapegoats if a political solution did not materialise. In the short term this part of the plot has worked. The Turkish Cypriot “yes” and the Greek Cypriot “no” in the subsequent referenda generated carefully choreographed accusations against the Greek Cypriots of “democratic irresponsibility”, not wanting the island's reunification and jeopardising Turkey's EU membership.

When the UN sought to complete the humiliation of the Greek Cypriots with a resolution regretting their intransigence, it was the Russians who came to their aid. Arriving at Bürgenstock as observers of a process in which they had quite as much an interest as Britain and the US, their fellow security council members, they were treated as intruders and told there was no room for them in any hotel in the secure area. “Why?” These hotels were reserved for the “negotiating parties”. “Why were the British there, then? Britain was not negotiating.” Britain was a guarantor of the former Cypriot constitution, they were told. “What was the US delegation doing there, then?” The US delegation was technically part of the British one, came the reply. The Russian response to this elaborate pretence was to return to New York and veto the proposed resolution criticising the Greek Cypriots.

The task of Europe's democratic institutions now is to explain to the world the real obstacle to a political settlement. This involves the current struggle for power between the fragile civilian government of Turkey and the country's “deep state”, the tight freemasonry of senior generals who have everything—power, status and economic clout—to lose from the genuine democratic institutions which EU membership requires. The

constitutional veto powers of the General Staff of the Turkish Armed Forces are theoretically there to defend the integrity of the secular, non-Islamic state founded by Kemal Ataturk. In reality, they are now being used by a small unelected elite in a wholly self-interested way. The General Staff purport to see grave dangers to Turkey both in the turbulent state of the Middle East and in their own elected government of prime minister Recep Tayyip Erdogan, which they see as dangerously pro-Islamic. Their professed fear is of Iraq splitting into three parts and opening up a corridor which will bring an increasing flow of Kurdish and Islamic fundamentalist pressure on Turkey; and their professed belief is that a continuing military presence in northern Cyprus is necessary to keep this threat at bay. It is, of course, a belief with no strategic rationale. Troops to defend Turkey should be stationed in Turkey. But some old generals, who remember Tikrit as once part of Turkey and dream of the 21st century as a new era of Turkish expansion, see the annexation of northern Cyprus (some of them, perhaps, of the whole of Cyprus) as part of that dream.

Cyprus has always been the victim of external realpolitik and still remains so today. Britain took the island from the Ottoman empire to protect its own military and strategic interests over 130 years ago and the Turkish military now want part of it back for similar purposes. It will take great political courage from Erdogan and his government together with a determination by the EU and NATO to stand by their democratic principles over the entry of Turkey into the EU, if a viable political settlement in Cyprus is ever to be found.

*Christopher Price* is a former Labour MP

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### Written evidence submitted by Argyros George Argyrou

#### BRITISH POLICY ON CYPRUS, TURKEY AND THE ANNAN PLAN

I wish to bring to your attention the following matters in regards to the discussion by the Foreign Affairs Committee taking place in September regarding Britain's policy on Cyprus, Turkey and the Annan plan.

The solution of the problem of the illegal Turkish invasion, ethnic cleansing and occupation of Cyprus is the full and immediate implantation of all relevant UN resolutions and European Court of Human Rights judgments demanding the immediate withdrawal of all Turkish troops and repatriation of all Turkish colonists from Cyprus soil and the unimpeded return of all the refugees to their homes with full compensation and reparations paid by Turkey the aggressor.

There is no need whatsoever for a 9,000 page plan to achieve this. All that is needed is for action to be taken against Turkey in the same manner as action was taken against Iraq when it illegally invaded Kuwait so that the system of government before the invasion can be reinstated and the Government of the Republic of Cyprus can exercise its sovereignty throughout all of its territory as is recognised in Cyprus treaty of accession to the European Union.

The Annan plan in no way provided for a solution to the problem of the illegal Turkish invasion, ethnic cleansing and occupation of Cyprus nor even a basis for a solution since it flagrantly violated the European Convention of Human Rights and the EU *Aquis* and paid no heed whatsoever to UN resolutions demanding the immediate and unconditional withdrawal of all Turkish forces and the immediate and unconditional return of all of the refugees to their homes in safety and the repatriation of all the illegal colonists which have been brought into Cyprus from Turkey in violation of the Geneva Convention.

UN Security Council resolution 353 (1974) demands the complete and immediate withdrawal of all Turkish occupation forces from Cyprus soil. The Annan plan fails to secure this and instead allows the occupation forces to remain in Cyprus forever. UN General Assembly resolution 3212 (XXIX) (1974) which was endorsed unanimously by the General Assembly and by the Security Council in resolution 365 (1974) also demands the complete and immediate withdrawal of all Turkish occupation forces without exception and demands that all of the refugees be allowed to return to their homes in safety. The Annan plan instead of allowing all of the refugees to return in safety imposes measures deliberately designed to prevent the refugees from ever returning and expressly limits the number of refugees who will be allowed back. UN Resolution 1987/19 (1987) of the Sub-commission on Prevention of Discrimination and Protection of Minorities demands "the full restoration of all human rights to the whole population of Cyprus, including the freedom of movement, the freedom of settlement and the right to property". The Annan plan pays no heed to this resolution whatsoever and instead overturns it by deliberately restricting the freedom of movement, the freedom of settlement and the right to property and to establishment in business of the Greek Cypriots. The same resolution also condemns the "implantation of thousands of settlers from Turkey in the occupied territories in Cyprus". The Annan plan instead of demanding that these illegal colonists who have been implanted in the occupied areas of Cyprus in direct violation of the Geneva Convention be repatriated to Turkey allows them all to stay and give them full Cyprus citizenship.

Following are just a few examples of the many conditions and restrictions put forward in the Annan plan which are deliberately construed to inflict conditions of life on the Greek Cypriots calculated to bring about their physical destruction in whole or in part.

The Annan plan allows all of the Turkish colonists brought into Cyprus in violation of the Geneva Convention to remain in Cyprus and be given full Cyprus citizenship. This not only alters the demography in the north of Cyprus in favour of Turkey and legitimises a war crime but it also imposes a culture on Cyprus that is completely foreign to that of either the Greek or Turkish Cypriots. Whereas most Turkish Cypriots spoke Greek before the Turkish invasion none of the Turkish colonists do. The Turkish colonists owe their loyalty directly to Turkey and their continued presence would further the division of Cyprus rather than unite it. Since almost all of these illegal colonists have been given paramilitary training they would constitute a serious threat to any Greek Cypriot who should desire to go the north.

Under the terms of the Annan plan not one single refugee would have received full reinstatement of their property nor compensation for being prevented from returning to their properties by the Turkish occupation forces as demanded by the European Court of Human Rights in cases such as that of *Loizidou vs Turkey* and *Cyprus vs Turkey* whose verdicts against Turkey the Annan Plan will strike out permanently.

In fact the ultimate aim of the Annan plan was to turn the north into an ethnically pure Turkish apartheid state at the expense of the Greek Cypriots who are the legitimate inhabitants and who legally own 90% of the land and property.

Annan intended to achieve the creation of an apartheid state by giving the Turks the right to stop all Greek Cypriots from returning to the north from day one of the adoption of his plan even if Turkey joins the EU by the addition to his fifth plan of Article 3 Para 6.

The Greek Cypriot refugees residential properties would have all been effectively confiscated under the Annan plan since Annan states that the refugees would only be entitled to reinstatement of one third of the value of their property and the value of one third of the total area except in the case of a dwelling that they have lived in for 10 years or built with their own hands and even then any land they own greater than one donum will still be confiscated even for those whose property is in villages in Karpasia like Yialousa. In effect none of the descendants or heirs of the refugees, who would have to wait up to 19 more years for reinstatement, a total of 49 years from the invasion and 59 years in total from the time that a property would have been required to be occupied would have been able to obtain back any property at all and the most they could hope for in compensation would be one third of its value (which in any case would not have been paid until after 25 years). Hardly any of the refugees would have been able to get back their property under these conditions. Annan is waiting until almost everyone is dead but not being satisfied with this Annan imposes even harsher conditions on the refugee to reduce the amount of property that is returned to almost zero.

The Annan plan states that all the Greek Cypriot refugees business properties and properties and land owned by institutions and corporations would also all have been confiscated without exception even properties owned by the Church which are not used for worship and farm land.

On top of being completely unjust this would have made it totally impossible for anyone to make a livelihood out of their own land and their businesses and other assets. (see: Article 10, Para 3c).

If any Turkish Cypriot or Turkish colonist had built onto the land or property of a refugee owner he would be allowed to dispose the legal refugee owner and seek title to the entire property even if the refugee owner wished it to be returned. Unlike the British legal system which favours the legitimate property owner the Annan plan favoured the thief, the illegally Turkish occupiers and expressly stated this. On top of this even if a refugee were to get part of their property back the restrictions on settlement, establishment and ownership that are included in the Annan plan stop them from ever being allowed to live in it, use it or sell it in a free market.

Not one Greek Cypriot would have even been allowed back to their homes in the areas supposedly to be returned because Annan has allowed the illegal occupiers to choose to be re-housed or to stay there forever. No mechanism was created to ensure that a refugee owner could repossess their property since Annan has clearly stated that all the provisions in his plan are in favour of the illegal occupiers and not the legal property owners.

Not one penny in compensation would ever be paid out to anyone seeking compensation. Instead worthless compensation bonds and property appreciation certificates would have been issued which would never be redeemable since the refugees would unethically have been made to pay the compensation to themselves with their own money and taxes instead of Turkey which the ECHR has deemed legally culpable.

The Annan plan stripped the refugees of two thirds of their property against their will with no right to judicial recourse and no compensation and the other one third of their property would have been effectively stripped from them also.

Attachment II Article 18 paragraph 5 states that not one penny arising from the worthless compensation bonds and property appreciation certificates will be paid out to the refugees until after 25 years.

Article 18 paragraph 4 states that this compensation must be paid by the refugees themselves from their own taxes and not by Turkey.

Article 18 paragraph 2 states that no interest will start accruing on claims until after six years.

Article 18 paragraph 1 states that instead of the value of the refugees property being assessed on the basis of the value of comparable properties in the free areas the value of the property will be based on the current value in the occupied areas as it is today which of course is more than 10 or 100 times lower.

The refugees would not only be stripped of their property, they would also have been stripped of its value and they will not receive compensation until after 25 years and then only if they paid the compensation to themselves with their own money. While at the same time the Turks would get to keep the property they illegally occupy and would have made a fortune when the value of the property rises.

All cases being brought to the ECHR regarding compensation for loss of use of property would have been thrown out and all new applications would have been barred. Instead the refugees would once again be made to pay compensation to themselves.

Under the Annan plan the occupation regime would have been allowed to keep 29% of Cyprus territory 90% of which legally belongs to the Greek Cypriot refugees whereas only 6% of Cyprus territory will be returned to the Greek Cypriots under conditions where they will be unable to evict the Turkish Cypriot and Turkish colonists who are occupying their properties.

In all reality the Annan plan ensures that no land or property will be returned to the Greek Cypriot refugees at all and that it will be impossible for any of the refugees to ever return to their homes or obtain compensation.

In return for absolutely nothing the Greek Cypriot will be expected to pay for the rebuilding of the occupied areas, which they will not even be allowed to invest in and they will have to sacrifice their right to majority rule and even their right to vote.

The Turkish Cypriots will be given one half of the seats in the Senate even though they only make up 10% of the population and Greek Cypriots living in the occupied areas will not be allowed to vote for their own representatives in that area but instead the people will vote as Greek and Turkish Cypriots (see Annex I Article 22 Para 3). In the Chamber of Deputies the 10% Turkish Cypriot minority will be treated as if it was 25%. The Turkish Cypriots will be given the right to effectively veto all legislation if 25% of them do not agree. Worse than that matters involving taxation, the federal budget, citizenship, treaties, election of the presidential council and many other matters will require two fifths or 40% of the Turkish Cypriots to agree. This will make Cyprus completely ungovernable.

Instead of a single elected president who has the ultimate say in decision making there will be an appointed presidential council where the Turkish Cypriots will be given one third of the voting and non-voting seats and will also be given the right to veto all decisions. The Presidency and Vice-Presidency of the council will rotate from Greek Cypriot to Turkish Cypriot every 20 months. The 10% Turkish Cypriot minority are thus treated as if they make up half the population of Cyprus and no democratic accountability will exist whatsoever.

On top of this the Central Bank will treat the 10% Turkish Cypriot minority as if they made up two fifths and three sevenths of the population.

The Supreme Court will treat the 10% Turkish Cypriot minority as if they made 50% of the population with an unspecified equal number of Greek and Turkish Cypriot judges leading to further deadlock.

The 10% Turkish Cypriot minority will be given four major departments to control including Defence and Foreign Affairs while the 90% Greek Cypriot majority will only be allowed four.

The Attorney General will be a Turkish Cypriot. The transitional Supreme Court will be appointed by Kofi Annan himself and will include three foreigners and will be headed by a foreigner in order to ensure that there will be no justice for the refugees at all.

The mechanism for resolving deadlock in any of the federal institutions is tantamount to anarchy (see Annex I Article 36 Para 6) with each side (any member of the Presidential Council, the President or Vice-President of either Chamber of Parliament, or the Attorney-General or the Deputy Attorney-General) being allowed to make an ad hoc interim decision, which will inevitably be contrary to that of the other party. None of the federal institutions will have any idea of who to follow and the system of government will totally collapse, and this is exactly what Kofi Annan wants to happen so that Cyprus will be permanently partitioned and the Greek Cypriots can be annihilated from their ancestral land in the north.

In the transitional period the Turkish Cypriots would have been allowed to control the territory that will be allegedly by returned instead of the UN which would mean that the Greek Cypriot refugees who seek to return will have no political representation to determine their own affairs at all and will be subjected to the Turkish military and civilian occupation. As regards to security there is nothing in the Annan plan to convince anyone that the Turkish pogroms and harsh oppression against the Greek of Constantinople would not have been repeated in Cyprus.

Greek EU citizens who have the legal right to reside and work anywhere in the EU will be prevented from residing in Cyprus if their number exceeds 5% of the Greek Cypriot population for 19 years. After 19 years Turks from Turkey will be allowed to flood the entire island since the Cyprus people will have no control over citizenship because this will be given over to foreigners as all.



Because of the Annan plan the Greek Cypriots will never be permitted to return and form the majority in any of the villages they were ethnically cleansed from in 1974. Annan's restrictions mean that even if a Greek Cypriot village is empty today no Greek Cypriot will ever be allowed back unless 16 times as many Turkish Cypriots are allowed to colonise it at the same time (see Article 3 Para 7 of the foundation agreement). These restrictions because they are on a village-by-village basis will make it impossible for the Greek Cypriots to form any kind of viable community in the north.

The limits imposed by the Annan plan on the number of Greek Cypriots who can go back to the occupied areas and that can reside in each village in these areas as stated in Article 3 Paragraph 7, effectively means that any Greek Cypriot who wishes to return to their home or reside in northern Cyprus is effectively forbidden from having children !

According to the Annan plan the restrictions in Article 3 Paragraph 7 are on a village by village basis and because the Annan plan also deliberately denies all Greek Cypriots and their children the right to hold Turkish Cypriot constituent state citizenship because their mother language is not Turkish, if a child is born to any Greek Cypriot couple or several children are born to couples and the birth of these Greek Cypriot children causes the population of Greek Cypriots to exceed 6% of the population of the village they reside in, the Greek Cypriot children will be thrown out of the places they live.

On top of this the limits on the number of Greek nationals that can reside in Cyprus imposed by the Annan plan in Article 3 Paragraph 5, also effectively means that Greek nationals who wish to live or work in Cyprus are effectively forbidden from having children!

In violation of EU law, from day one of the Annan plan taking effect and even after 19 years or if Turkey ever joins the EU the Turks will be allowed to prevent any unspecified and unlimited number Greek Cypriots from residing anywhere in the north under Article 3 Para 6 despite the targets set by Annan so the claim that even a limited number Greek Cypriots will be allowed to return is entirely false. After 19 years the restrictions on the rights of settlement of the Greek Cypriots will not be lifted but will be more restrictive than ever before and on top of that mainland Turks will be allowed to flood the entire island. No Greek Cypriots will ever be allowed to settle in the north by the Turks, not from day one and not even after 19 years.

The constitution of the component state that will be created in the north states that will preserve its Turkish character and culture and Muslim religion. No mention is made of the fact that before the Turkish invasion 90% of its legal inhabitants and property owners were Greek Cypriots and no commitment is made to preserve its original Greek character, culture and religion. Turkish will be the only official language and the use of Greek will be restricted by the law. Anyone that does not have Turkish as their mother language will be subject to arbitrary expulsion even after 19 years according to the Annan plan and will not even have the right to vote. There will be nothing to stop the state of affairs in southeast Turkey where the use and teaching of the Kurdish language is forbidden, being implemented in the north of Cyprus in the case of Greek under the provisions of the Annan plan which will also allow the Turkish flag to be draped over every building as is the situation today in the fascist police state set up by the Turks in occupied Cyprus. The free formation and organisation of Greek Cypriot political parties in the north will be virtually outlawed in the same way as free Kurdish parties are outlawed in Turkey. (Articles 1, 3 para 2 & para. 3, 73 para 2, 74 para 2, 76 para 1 of the so-called "Turkish Cypriot constituent state" constitution)

The Turks and I say Turks since almost the entire population of the north will be made up of Turkish colonists will use Article 3 Para 6 to justify their restrictions. Even if the Turks should choose to recognise the targets of the Annan plan and there is no guarantee to ensure that, Annan has made it clear that even after 19 years the restrictions on the freedom of settlement will remain and the Greek Cypriots will be limited to 18% of the population in each village in the north so eventually an ethnically pure Turkish state will be created as a fait accompli in the same manner as the Genocide of the Greeks of Constantinople all over again.

Since the Annan plan demands that all rights of appeal to the European Court of Human Rights as strictly forbidden and requests the ECHR to throw out all cases no Greek or Greek Cypriot will have any means of securing their basic fundamental human rights.

The Turkish Armed forces will not be reduced until after seven years and then only to 6,000 only if Turkey gives its consent, which it is not required to do by the Annan plan. Even if Turkey joins the EU or 2018 the Turkish troops will still remain on Cyprus soil and will be sufficient in number to form a bridgehead. All the Turkish forces will be fully armed with weapons of mass destruction and will be free to conduct manoeuvres. The UN will not have any powers to intervene to ensure even basic compliance with its targets.

Instead of the so-called federal government protecting the whole of Cyprus it is the constituent states that are mandated to do this. Cyprus will be left with NO armed forces and NO protection against renewed Turkish aggression and GENOCIDE. No protection force will be stationed on Cyprus to defend it and its people. The Turks will eventually be allowed to seize the whole of Cyprus.

It cannot be anything but crystal clear to you and to anyone that has actually read the Annan plan in full that the Annan plan construes to inflict conditions of life on the Greek Cypriots calculated to bring about their physical destruction in whole or in part and is thus in direct and deliberate contravention of Article 2(c) of the Convention on the Prevention and Punishment of the Crime of Genocide which was ratified in UN General Assembly resolution 260 A (III) of 9 December 1948 and came into force on 12 January 1951.

Under Article 3(b) of the above Convention the act of conspiracy to commit genocide is punishable. Under Article 3(c) of the Convention direct and public incitement to commit genocide is also punishable.

The referenda proposed by Kofi Annan to endorse his plan incited the public to commit genocide. By voting in favour of the Annan plan the Turkish Cypriots sanctioned the perpetration of an act of genocide on the Greek Cypriots. None of the restrictions and conditions stipulated in the Annan plan including population quotes of 18% which were the same for both sides would have had any adverse affect the Turkish Cypriots wanting to go back to the south since they make up less 10% of the present population, and never made up more than 18% of the total population in their history, whereas the Greek Cypriot demography of the north of Cyprus which was 90% Greek Cypriot would have been entirely decimated by the adoption of this plan. The Turkish Cypriots by voting in favour of the Annan land voted for genocide and partition and have no right to be rewarded by the British Government. Similarly the British Government has no right to punish the Greek Cypriot for voting for their own survival and the re-unification of their country when they rejected the abomination that is the Annan plan.

Annan's referenda contravened UN Security Council resolutions 541 (1983) and 550 (1984) by purporting to recognise the constructional organs of the so-called "Turkish Republic of Northern Cyprus" which these resolutions have declared legally invalid and have called on all states "not to facilitate or in any way assist this the aforesaid secessionist entity".

The UN Secretary General has not only breached his own organisations resolutions and charter but he has conspired to commit genocide and incited the perpetration of genocide. Under Article 4 of the Convention "persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals."

There is only one solution to the problem of the Turkish invasion, ethnic clearing, occupation and colonisation of Cyprus and that is the punishment of the aggressor not their reward and a solution can only be achieved when,

- (1) all Turkish troops have immediately and unconditionally been removed from Cyprus soil,
- (2) all Turkish colonists have immediately and unconditionally been repatriated, and
- (3) all refugees have be allowed to return to their homes in safety and have had their rights respected and the constitutional order has been retuned to the way it was before the Turkish invasion with Cyprus as a unitary state.

Then and only than can negotiations start between members of Cyprus communities, Greek Orthodox, Maronites, Armenian Orthodox, Muslims and Latins on reforming the divisive Birthing imposed 1960 constitution, which led to this catastrophe in the first place.

It is time for the British government to listen to the people of Cyprus and demand a just solution to a problem which it was in part responsible for creating and to stop rewarding the brutal rapist and punishing the victim.

The solution to the problem of the Turkish invasion, ethnic clearing, occupation and colonisation of Cyprus is not the Annan plan nor any of its derivatives. A new simple plan must be devised which respects justice, human rights, UN resolutions, and EU and international norms and must be implemented by taking action against the aggressor if necessary.

Here is the plan which I propose.

Step (1) Since Turkey has illegally stationed over 40,000 heavily armed troops on Cyprus soil a world wide embargo must be imposed on Turkey forbidding the export to Turkey of any kind of arms or equipment or machinery or intellectual rights that can be used for military purposes including manufacturing plant until it withdraws its troops from Cyprus soil.

Step (2) Should the announcement of Step 1) fail to achieve an immediate commitment by Turkey to promptly withdraw its forces completely from Cyprus soil;

- (a) A world wide trade embargo forbidding the import of all goods originating from Turkey or transported through Turkey in whole or in part must be imposed within 2 months of the imposition of the arms embargo, this being a resemble time for all Turkish troops to be completely withdrawn.
- (b) A blockade of all ports in the occupied areas of Cyprus such as that imposed when Iraq invaded Kuwait must be implemented by Greece and the United Kingdom as guarantor powers of the Republic of Cyprus and the European Union which has the duty to protect its territorial integrity so that all contact between Turkey and its troops stationed in Cyprus can be prevented and all trade between the puppet state set up by Turkey in the occupied areas and the rest of the world can be put to an end in accordance with the mandate given by UN resolutions 186 (1964) 541 (1983) and 550 (1984). On the same mandate a no fly zone on both military and civilian aircraft and helicopters must be decaled over occupied Cyprus including a 30 mile limit around its coast so that Turkey cannot use its air power to assist its occupation forces.

Step (3) Should the above sanctions fail to achieve Turkey's full compliance with UN resolutions and the judgments of the European Court of Human Rights and Turkey has been sufficiently weakened, decisive military action must be taken against Turkey to force its capitulation, once air-superiority and superiority on the ground and in the sea has been achieved by Greece and the United Kingdom as guarantor powers of the Republic of Cyprus and the European Union which has the duty to protect its territorial integrity, so that Cyprus can be liberated.

I hope my letter will contribute to a change in British policy.

*Argyros George Argyrou*

3 August 2004

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### Written evidence submitted by the Union of South London Cypriots in Britain

Following the Zurich and London Agreements in 1959 Cyprus was proclaimed an independent state in 1960 and became a member of the United Nations Organisation, a member of the British Commonwealth and of the Council of Europe.

Under the 1960 Treaties of Independence and Guarantee; Greece, Turkey, and the United Kingdom undersigned to guarantee Cyprus' Independence Sovereignty and Territorial Integrity.

What did the guarantor powers do to Cyprus during the momentous years?

#### *Greece*

On the 15 July 1974 the military junta of officers that was ruling Greece with the assistance of EOKAB they engineered a military coup against the democratically elected Government and seized power in Cyprus. President Makarios survived and flew to London. The junta paved the way and opened the gates to the Turkish invasion of Cyprus. A few weeks later under the enormity of their betrayal the Greek military junta collapsed like a pack of cards.

#### *Turkey*

On the 20 July 1974 Turkey invaded Cyprus on the pretext that she wanted to restore the constitutional order that was disturbed by the Greek junta's coup. The Turkish army occupied 37% of the island's territory and embarked on a policy of ethnic cleansing. They have uprooted 180,000 people from their homes their property and their occupations turning them into refugees in their own country.

Constitutional order was restored a few weeks later and President Makarios returned to the island in December 1974.

Thirty years on 35,000 Turkish troops are still occupying 37% of the territory of Cyprus. Furthermore the Turkish Government brought over 119,000 illegal settlers into the occupied area of Cyprus in order to change the demographic composition of the island. The tragic and humanitarian case of 1,619 missing persons many of whom were held in Turkish prisons is still unresolved.

#### *The United Kingdom*

It is regrettable that the British policy during July, August 1974 amounted to a betrayal of the young Republic, as Britain did not honour its signature and its obligations as a guarantor of the independence and territorial integrity of Cyprus.

Lord Caradon in an article in *The Times* on the 17 April 1975 wrote: "It was not possible to uncover or detect any British influence or initiative other than we should follow Dr Kissinger. We have followed him with devastating and shameful results and failed to honour the British obligations as guarantor of the Cyprus people."

The report of the Parliamentary Select Committee on Foreign Affairs on Cyprus was published on 8 April 1976. Among other things it stated: "Britain had a legal right, a moral obligation and the military capacity to intervene in Cyprus during July, August 1974. She did not intervene for reasons which the Government refuses to give."

There is a relevant reference to Cyprus in the Crossman Diaries. "In July 28 1967 three months after the fascist military regime was imposed on Greece, a paper was sent to the Cabinet by the Defence and Planning Committee. This paper advised that if the Greek army in Cyprus staged a coup against Makarios in order

to achieve Enosis we should dissent from it but prevent our troops getting engaged in any hostilities. Denis and I were the only two people there who had noticed this extraordinary proposal. A Commonwealth country is attacked by a fascist dictatorship and although we have 15,000 armed men there we stand aside.”

It is our view that the Greek coup and the Turkish invasion of Cyprus are the two parts of the Dean Acheson plan, the NATO plan to dismember the Republic of Cyprus and to partition the island.

Britain was in collusion and capitulated to the USA and NATO and that is the reason that she did not intervene to prevent the Greek Colonel's coup and the Turkish invasion of Cyprus.

In 1977 were the High Level Agreement signed by Archbishop Makarios and Mr Denktashh and in 1979 the Agreement was signed by Mr Kyprianou and Mr Denktashh. These agreements and all subsequent discussions were based on a bi-zonal bi-communal Federal solution.

Since then all efforts to resolve the problem were obstructed and thwarted by the intransigence of the Turkish Governments and Mr Denktashh.

The Annan Plan was presented in November 2002 and it was revised five times. However, no substantive negotiations took place due to the lack of sufficient time and the tight deadlines to come to an agreement.

The Secretary General of UN HE Kofi Annan in his Report to the Security Council recognised that “The serious concerns of the Greek Cypriot community had not been adequately addressed in the final Plan of 31 March 2004, a factor which weighted heavily on the results of the referendum held on 24 April 2004.”

Please find below our approach to the issues that you will examine.

1. The UK should continue to back the Annan Plan but should be flexible to changes that through negotiations and when adopted could facilitate a yes vote by the Greek Cypriot community.

2. The European Union as well as all Cypriots wish to have a united Cyprus in the EU. The EU may take initiatives within the UN Parameters and promote the dialogue among the communities that may help the unification of Cyprus.

3. The UK should take positive and constructive role and within the UN parameters promote activities that bring together the communities so that they may reach a negotiated agreement.

4. For 30 years Turkey and Mr Denktashh with their intransigence obstructed and thwarted all efforts to solve the Cyprus problem, and no action was taken against them. It is in the interest of all to accept that this is not the end of the road. New efforts should be initiated as soon as possible to promote a negotiated functional and viable settlement.

5. Any help that the British Government may contemplate to give to the Turkish Cypriots should be through legal process and it may also promote co-operation among the communities.

6. Provided that Turkey fulfils the human rights requirements according to the 1993 Copenhagen criteria, Turkey is likely to have a date to open accession negotiations with the EU. At the same time as we are close to achieve a negotiated settlement on Cyprus, Turkey should not obstruct the process; she should rather facilitate it.

During the last 50 years the people of Cyprus have been through terrible ordeals, tribulations and traumatic experiences that have left their indelible mark on the island and its people. The wounds have not yet healed.

It is time to give a helping hand to alleviate the pain to soothe and heal the wounds.

President T Papadopoulos in his letter of the 7 June 2004 to the Secretary General of the UN Mr Kofi Annan stated; “I take this opportunity to emphatically reiterate once more, on behalf of the Greek Cypriot side, the commitment of my people, as well as my strong personal one, to the solution of a bizonal bi-communal federation.”

Almost all Greek Cypriot parties agree with that statement and would be glad to see a new initiative by the UN to open negotiations to address the legitimate concerns of the Greek Cypriot community and to make the Annan Plan viable and functional.

*Dr George J Christofinis*  
Chairman, The Union of South London Cypriots in Britain

*1 September 2004*

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### Written evidence submitted by Paphos Association in England

Our association would like the Committee to take the following factors in to consideration.

#### WHETHER THE UK SHOULD CONTINUE TO BACK THE ANNAN PLAN

At the referendum on 24 April 2004 the large majority of Greek Cypriots rejected the Plan but the 76% of Greek Cypriots rejected only this particular plan and in the nature of referenda they could not express their views on which parts of the Plan they were rejecting. It was shown subsequently that the majority of Greek Cypriots support the Annan Plan subject to certain changes as well as all the major Greek Cypriot political parties including the Cyprus Government who are in agreement that a modified Annan Plan is the way forward.

These include:

- (a) The justified fear of Greek Cypriots that Turkey would not honour some parts of the Plan such as the time tabled return of land. Turkey has a 30 year history of not fulfilling UN resolutions and European Court of Justice decisions.
- (b) Under the Plan all 120,000 Turkish settlers would stay in Cyprus. These are settlers mostly from Anatolia who have been brought over from Turkey, against international law since the invasion in 1974, to change the demographic character of Cyprus and who are resented even by the Turkish Cypriots. Greek Cypriots understand the humanitarian reasons that those who intermarried or born in Cyprus could remain but the remaining thousands of settlers pose a threat to the Greek Cypriots.
- (c) Basic human rights are ignored by the Plan such as the right to vote by Greek Cypriots who would live in the Turkish Cypriot state.
- (d) The elimination of guarantor powers and military contingents. Greek Cypriots fear the guarantor powers of Turkey in view of the Turkish invasion in 1974. Are they really necessary in this day and age.
- (e) The economic viability of Cyprus. Central Bank and other arrangements are so complicated and unworkable in the Plan that it can be catastrophic for both communities.

These are some of the changes by which it can be readily seen that do not take away any rights from the Turkish Cypriot community within the Annan Plan.

#### THE IMPLICATIONS FOR THE EU OF THE ADMISSION OF A DIVIDED COUNTRY

When Cyprus joined the EU on first of May 2004, the whole island has joined but the Cyprus government does not have control of the occupied north of Cyprus. This affects the political and economic relations between the EU and Cyprus on one side and Turkey's occupation of the north by 40,000 troops and the economic position of the Turkish Cypriots on the other side. How can a country aspiring to join the EU and hoping to obtain a date to begin negotiations with the EU can militarily occupy one third of another country member of the EU?

#### WHAT ROLE THE UK SHOULD PLAY IN THE CONTINUING PROCESS OF NEGOTIATIONS BETWEEN THE TWO COMMUNITIES ON THE ISLAND

The UK Government should assist the two communities to negotiate changes to the Annan Plan but not in favour of Turkey's geopolitical interests. The UK assistance should be based only on the interests of both communities but not on the interests of Turkey, Greece or the UK.

#### IMPLICATIONS OF THE ANNAN PLAN'S REJECTION FOR THE NORTHERN PART OF THE ISLAND AND WHETHER THE BRITISH GOVERNMENT SHOULD SEEK TO ALTER ITS RELATIONSHIP WITH THE NORTHERN PART OF THE ISLAND, AND IF SO HOW

The Turkish Cypriot community must be helped in order to improve the economic gap between the Greek and Turkish communities which will help in the eventual solution of the Cyprus problem. However this help should be within international and EU rules. This help must be channeled through the legitimate government of Cyprus otherwise bypassing the Cyprus Government will have negative results in the reunification of the island because the Turkish Cypriot community will be encouraged to drift further apart from the Greek Cypriot community.

Unfortunately the British Government is leading in the EU and at the UN in support of direct trade and economic help to the Turkish Cypriots thus bypassing the Cyprus Government. This action has caused a great resentment among Greek Cypriots in Cyprus, abroad and in this country. The British Government is acting as if to punish the Greek Cypriots for exercising their democratic right by voting against the Annan

Plan thus ignoring or may be encouraging the two communities to drift further apart. The British Government should continue to support the economic measures announced by the Cyprus Government and work with the Cyprus Government rather than bypassing it.

The economic isolation of the occupied north of Cyprus was not through actions of the Government of Cyprus but through UN resolutions and European Court decisions. These resolutions and Court decisions were taken because of Turkey's invasion and continuing occupation of Cypriot land, it is therefore Turkey's actions which brought about the economic isolation of the Turkish Cypriot community. In order for Turkey to safeguard her own geopolitical interests, it has ignored the interests of the Turkish Cypriots for the past 30 years.

#### IMPLICATIONS FOR THE EU'S RELATIONSHIP WITH TURKEY

It is clear that a country wishing to join the EU cannot continue to occupy one third of the land of another member state of the EU. UN resolutions, European Court of Justice Decisions, 40,000 Turkish troops, human rights violations are more than enough to seriously affect Turkey's wish to obtain a start date for entry negotiations. The British Government has a very good relationship with Turkey and wants her to have a start date for negotiations in December but it should also be advising Turkey that without a solution of the Cyprus problem she cannot hope to achieve this target. Unfortunately no such advice has been given or intended judging by recent statements of the British Government.

We would like and much obliged if the Foreign Affairs Committee take in consideration the above factors and would make the appropriate presentations to the British Government to help for a fair and right solution of the Cyprus Problem for the welfare and interest of both, the Greek and the Turkish Communities of Cyprus.

We are awaiting for your favourable reply as soon as possible.

On behalf of the President and the Committee of our Association

*Glafkos P Violaros*

Honourary President, Paphos Association in England

*10 August 2004*

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#### **Written evidence submitted by Brigadier Francis Henn CBE**

I enclose a Memorandum for the information of the Foreign Affairs Committee. It relates to a fundamental aspect that has long been an obstacle to progress towards a settlement in Cyprus, but which too often has been overlooked. I am not a member of, or associated with, any organisation connected with Cyprus, Greece or Turkey, and the views expressed are entirely my own. Throughout the two years that culminated in Turkey's military intervention in 1974 I was serving in the United Nations Force in Cyprus (UNFICYP) as its Chief of Staff and Commander of its British Contingent. I have followed the Cyprus story closely ever since and have visited the island several times for lecture or research purposes, most recently in 2002, when the Cyprus government wished to discuss with me aspects of the 1974 events which had a bearing on its impending application to join the European Union.

During 1980–83 I served as a Special Adviser on Cyprus to your Committee, but its inquiry on Cyprus was conducted in desultory fashion, other more important matters intervening, and was eventually shelved for the reasons given in paragraph five of the Committee's Third Report (Session 1986–87). (I was not appointed to advise the successor Committee, which produced that Report.)

A book of mine entitled "A Business Of Some Heat" (Othello, 1, 2) is to be published this autumn. With a Foreword by Sir Brian Urquhart, former UN Under-Secretary General for Special Political Affairs, it is a generally factual (and, I believe, impartial) account of events during the period of my service with UNFICYP. Although mainly concerned with the latter's activities, it also explains the complexities of the Cyprus problem and its international dimensions.

#### **CYPRUS THE GEO-STRATEGIC DIMENSION**

##### **THE STRATEGIC FACTOR**

For long the Cyprus problem has been seen by those seeking a settlement as being primarily an intercommunal matter. While the intercommunal dimension is a highly important ingredient, the fundamental factor that lies at the heart of the problem today is no different from that which has been the island's misfortune throughout history, namely its geo-strategic importance, especially for Turkey. In 1974 the Turks intervened militarily ostensibly to protect the Turkish Cypriot minority, but there was for them an overriding undeclared national interest—the prevention of enosis and the threat to Turkey's own security that this would have created. Although enosis is no longer an issue, the determination of the Turks, especially the military, to preserve their own security vis-à-vis Cyprus is no less today.

The reason is clear: in the west Greece's Aegean Islands press close and instabilities to the north and east (the nature of which may have varied over the years) cause Turkey genuine anxiety. Secure access to its southern ports and airfields, all of which are readily dominated from Cyprus, is thus a vital strategic interest. For decades the Turks have made clear the importance of the island in this context (see Annex). There can be no doubt that it has been a long-standing Turkish objective to ensure that Cyprus does not succumb to any potentially hostile power, especially the traditional enemy Greece (common membership of NATO has never diminished the Turks' concern on this account). Securing physical control of the island's north, citing the protection of the Turkish Cypriot community as justification, has been seen as the surest guarantee to this end. In 1964 and again in 1967 the Turks were thwarted by external pressures from achieving this objective, but in 1974, when the ideal opportunity presented itself, they did not let it slip.

Most impartial observers agree that the failure of the numerous initiatives and negotiations of the past thirty years to achieve an intercommunal settlement can be attributed in large measure to the intransigence of the Turkish Cypriots led by Rauf Denktashh, and that in this respect the tune has been called by Ankara, ever watchful to ensure that the fruits of its 1974 intervention are not forfeited. Since the Annan Plan posed no such risk (and served, incidentally, to bolster Turkey's prospects for accession to the European Union), it is little surprise that Turkish Cypriots were persuaded to vote for it in the referendum held on 24 April 2004.

#### THE ANNAN PLAN

The Greek Cypriots' criticisms, which to the intense frustration of the UN Secretary General led to their rejection of the version of his Plan put to them in that referendum, have been set out in a letter dated 7 June 2004 from President Papadopoulos to Kofi Annan. With respect to defence and security aspects of the Plan, Papadopoulos states that particular Greek Cypriot concern is centred on proposals for The permanent stationing of Turkish military forces in Cyprus, even after Turkey's eventual accession to the European Union, and the expansion of the guarantee powers' rights emanating from the Treaty of Guarantee through the inclusion of an additional protocol. These proposals, the ostensible purpose of which is to provide security for the Turkish Cypriots, coincidentally—and no less importantly from its point of view—also serve Turkey's own strategic interest.

The Greek Cypriots, on the other hand, see these aspects of the Plan as being inconsistent with the sovereign independence of the Republic of Cyprus (whether or not united as a future federal State) and prejudicial to their own security. But, given the power of the military voice in Ankara, it is not likely that Turkey can easily be induced to give ground on these two important aspects, even if in its desire to join the EU the present Turkish government might be inclined to do so. If progress is to be made on the many other contentious issues, a way needs to be devised to resolve this fundamental conflict of interests to the reasonable satisfaction of both sides. This will necessitate concessions by and compensations for both Turkey and the Greek Cypriots.

#### A WAY FORWARD?

Turkey's long military occupation of the whole of northern Cyprus, achieved by overwhelming force of arms, and its support for the otherwise unrecognised "Turkish Republic of Northern Cyprus" are damaging to its international reputation and adversely affect its ambition to accede to the EU. However, Turkey's own security cannot be said to require military control of such an extensive area—a base on the island that enjoys international recognition and legitimacy should suffice. Various possibilities for such a base might be considered: for example, a long lease might be allowed to the UN, EU or NATO specifically for use by Turkey; alternatively, a lease might be granted to Turkey itself, or, in the last resort, a base might be ceded to Turkey as sovereign territory. (The suggestion is not new—it was an important feature of the Acheson Plan proposed by the US in 1964, but rejected then by Makarios in very different circumstances from those that prevail today, when Turkish forces are already ensconced in strength over the whole of northern Cyprus.)

Such a proposal could be expected to satisfy Turkey's national interest and provide reassurance for the Turkish Cypriots, but in the absence of substantial compensating measures it would be certain to encounter strong Greek Cypriot opposition. It is here that Britain could make a crucial contribution. Its offer, in the event of the Annan Plan being accepted by both communities, to surrender to the Republic of Cyprus substantial parts of its Sovereign Base Areas is clear demonstration that these are no longer essential for Britain's own defence purposes. They might now be offered to the Greek Cypriots as a quid pro quo for a Turkish base in north Cyprus (centred, perhaps, on the airfield at Lefkoniko with rights of access to the ports of Famagusta and Kyrenia). Agreement for this would allow Turkish troops to be withdrawn from a large area of the island's north, foster closer relations between the two communities, and create a climate more conducive to progress on other issues.

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 THE QUESTION OF GUARANTEES

However, such a proposal is unlikely to be sufficient for it to be accepted by the Greek Cypriots, unless accompanied by parallel action on the question of guarantees—the second concern expressed by Papadopoulos in his letter to Kofi Annan. The 1960 Treaty of Guarantee (which stipulates that “the sole aim” of any action should be to re-establish “the state of affairs created by the current Treaty”), although cited by Turkey in justification for its military intervention in 1974, was in the view of others by then outdated. (In evidence to the House of Commons Select Committee on Cyprus (Session 1975–76), Lord Callaghan of Cardiff, Foreign Secretary at the time, said that in practical political terms Britain had no right under the Treaty to intervene “because the [Cyprus] Constitution had not been working since the early 1960s”.) The Turks, nonetheless, insist on the continuing validity of the Treaty. Given the manner in which they interpreted its terms in 1974, it is not surprising that in his letter Papadopoulos refers to this as “an issue of paramount gravity for our side”, and protests that the Greek Cypriot proposal for adoption of “a triggering-off mechanism for exercise of the right of intervention under the Treaty” had not been addressed by the UN Secretary General or his Special Representative.

The need for an external guarantee for the independence and territorial integrity of a future united Republic of Cyprus is clear enough, but authority to invoke its provisions should be vested in an international body such as the UN, EU, or NATO in such a way as not to permit any one nation to act unilaterally. While the Turks must be expected to resist any proposal for the repeal of the Treaty of Guarantee (which, as they see it, entitles them to such action), their ambition for membership of the EU offers a lever to this end, for it can be argued that it would be inappropriate for any one member to have a unilateral right of intervention in another. Taken together with surrender of parts of the British SBAs to the Greek side in compensation for the grant to Turkey of a base in northern Cyprus, a new form guarantee of this nature might overcome the current impasse on defence and security aspects of the Annan Plan.

## BRITISH POLICY

Few of the contingencies, for which the SBAs were originally required, now exist, but the importance to Britain (and the west) of the strategic airfield at Akrotiri and of monitoring facilities elsewhere remains; Britain should refrain from any action which might prejudice the unfettered continuing operation of these. For long there have been calls by some Greek Cypriots (as earlier by the old Soviet Union) for Britain to surrender its bases and withdraw all its forces from the island. Any policy which tends to favour the Turkish side at the expense of the Greek side, such as recognising the administration in the island’s north or continuing to support an un-modified Annan Plan, can be expected to generate more vociferous anti-British agitation among Greek Cypriots and adversely affect British interests on the island generally.

Given its relationship with the parties, its permanent membership of the Security Council, and its membership of the EU and NATO, Britain is uniquely well-placed to lend influential support for the creation of a bi-zonal and bi-communal united Republic of Cyprus and should continue to do so, taking care not to antagonise any of the parties while encouraging the (frustrated) UN Secretary General not to lessen his effort to achieve a settlement acceptable to all on the basis of a modified Annan Plan.

The present situation in Cyprus is relatively stable (although less than satisfactory for the Turkish Cypriots who are denied the benefits of accession to the EU) but, so long as the island’s complex problems remain unresolved, a potential threat to peace and security in the region will remain. President Papadopoulos has denied that in rejecting the Annan Plan his community has thereby voted against reunification, declaring, rather, that Greek Cypriots remain determined to strive for achievement of a united federal State. To this end he has offered a number of immediate measures designed to improve the economic lot of the Turkish Cypriots pending a settlement. Although the latter consider the attached conditions to be unacceptable, the measures constitute a constructive first step towards resumption of meaningful intercommunal negotiations on the many other issues. They deserve British support.

*August 2004*

**Annex**

## SOME TURKISH STATEMENTS ON THE IMPORTANCE OF CYPRUS

Speaking in London in 1955, the then Turkish Prime Minister Zorlu said:

All these southwestern ports are under the cover of Cyprus. Whoever controls this island is in the position to control these Turkish ports. If the Power that controls this island is also in control of the western [Aegean Islands], it will effectively have surrounded Turkey.<sup>1</sup>

These words were echoed in 1964 by Foreign Minister Erkin, also speaking in London. Stressing the strategic importance of Cyprus, which (he argued) should be seen geographically as a continuation of the Anatolian peninsula, he concluded:

All these considerations clearly demonstrate that Cyprus has vital importance to Turkey, not merely because of the existence of the Turkish community in Cyprus, but also on account of its geo-strategic bearing.<sup>2</sup>



Ten years later a prominent Turkish academic, commenting on his country's 1974 military action, wrote:

The geo-political situation of Turkey and the outlook of the countries encircling her in the north are such as to force Turkey to keep secure her southern defences. Consequently Cyprus maintains vital importance . . . as far as Turkey is concerned.<sup>3</sup>

Describing a meeting of the National Security Council in Ankara on 16 July 1974 (the day after the *coup d'etat* in Cyprus) an exceptionally well-informed Turkish journalist has written:

Ecevit [Turkish Prime Minister] once more stressed the serious implications of the Sampson coup for the security of Turkey. He reviewed the situation in the Aegean. He pointed out that it would now be a simple matter for the Greeks to proclaim enosis and thus create a Hellenic island base from which, for the first time, central and southeastern Turkey would come within range of the Greek airforce bombers. Finally, he expressed concern that oppression and even massacres of Turkish Cypriots might follow the coup.<sup>4</sup>

(This leaves little doubt as to the priorities governing Turkey's military action in 1974.)

In 1985 a British journalist reported:

Mr Rauf Denktashh, the Turkish leader, has told the UN Secretary General, Mr Perez de Cuellar, that he expects to play host indefinitely to several thousand mainland Turkish troops after a peace treaty is signed. He has indicated that he has the support of Ankara for this firm stand.<sup>5</sup>

There have been many Turkish statements in similar vein since. For example, Turkey's Chief of Staff, General Karadayi, was quoted in 1997 as saying:

The Turkish presence in Cyprus will live forever under the guarantee of the Turkish aimed forces.<sup>6</sup>

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#### Written evidence submitted by Action for Cyprus (Midlands)

Action for Cyprus (Midlands) welcomes the decision by the Foreign Affairs Committee to conduct an inquiry into UK policy towards Cyprus and to review British Policy in the light of the recent referenda on the Annan Plan. More importantly it provides an opportunity for organisations like ours to participate in the formulation of British foreign policy as should be the case in a truly democratic country that lays so much weight on international law and human rights.

AFC is a non-partisan organisation representing the interests of thousands of Cypriots living in the UK. Our sole concern and aim is to see a truly re-unified island where all the people of Cyprus can live together in peace and harmony, as they have lived for most of the last 400 years. Most of all we would like to see all Cypriots enjoy the same democratic freedoms and human rights as other European nationals and as provided for by the Charter of Fundamental Rights of the European Union.

Our organisation has been fighting for years for a just solution for all Cypriots, guaranteeing everyone their fundamental human and democratic rights. We believe that human rights and freedoms should be the cornerstone of any solution and the details of the constitution should revolve around these.

We welcome a solution to the problem of Cyprus and the UN efforts to re-unify the island. However it is important that the solution proposed must not only be workable but it must be just and hence viable. The solution must truly unify the people that long to live together as one people and one nation state and to conform to international norms of justice and the rule of law.

It is very important for the Foreign Affairs Committee, when formulating a view on UK policy towards Cyprus, to understand not only the background to the Cyprus problem and the reasons for the results of the recent referenda, but also the significance of a just solution in a very much changed world following 9/11. It is imperative that foreign policy is, and is seen to be, conducted consistently across all issues and countries by invoking human and democratic rights, the rule of law and international agreements.

*Should the UK Continue to Back the Annan Plan?*

The Annan Plan was rejected by the Greek Cypriots, not because they do not want a solution to the Cyprus problem, as believed by some, but because the Plan legitimises the injustices of the forceful invasion and occupation of nearly 40% of Cyprus by Turkey, the displacement of nearly 500,000 Cypriots (forced refugees and migrants living abroad at the time) from their homes and properties, and the deliberate policy of ethnic cleansing and demographic change pursued by Turkey. The Turkish Cypriots voted “Yes” because the proposed solution gives them a much better chance for economic prosperity than the current state of affairs even though they would prefer to see a truly united island. Basically the Annan plan was rejected because it provided improvements in the welfare of one side without addressing the concerns for human rights and international justice of the other side.

It is evident that the Secretary General’s Plan does not conform to the instructions of the UN that the proposed plan for Cyprus must conform to UN Resolutions and be compatible with the European body of legislation (the Acquis Communautaire) particularly that dealing with human rights which constitutes primary legislation. It sets the foundations for an unworkable constitution; it perpetuates the division among the people of Cyprus; it violates the basic human rights of all the Cypriots and constitutes them second class citizens of Europe.

We believe that the UK should not continue to back the Annan Plan as it is, but should support significant alterations that promote the true reunification of the island and its people and is compliant with the European Acquis, particularly with the Charter of Fundamental Rights.

We believe that a plan that enables all displaced persons to return to their villages, homes and properties within a maximum period of five years and safeguards human rights will attract a resounding “Yes” vote. This we believe can be accommodated by thinking outside the conventional (box) model of partitioning the island. The solution proposed should allow self government for all Turkish Cypriot and Greek Cypriot towns and villages and shared power in mixed villages, with a strong central government that guarantees the territorial integrity of the state of Cyprus, with no borders separating the two communities. The UK is in the privileged position of playing the honest broker and strengthening its role and position on the island by offering to be the guarantor of the territorial integrity and security of a truly reunified island and people and ensuring the human rights of every citizen. This will eliminate the need for having Greek or Turkish troops on the island and will demonstrate value to the Cypriots for the continued existence of the British military bases on the island.

A truly unified Cyprus within the EU, and with UK having a pre-eminent role as guarantor power within an EU framework, will meet the requirements of the majority of Cypriots for peace and prosperity and will safeguard the interests of the UK.

*The Implications for the EU of the admission of a divided Country*

It is not in the interest of Cyprus, the EU or the UK to have a situation where a Member State of the EU cannot enforce the Acquis across the whole of its territory. A speedy solution that truly unifies the island is essential to ensure ease of administration, harmonisation with EU law, application of international law, monitoring and control particularly against money laundering, drug trade and the fight against international terrorism. We believe that the Government of Cyprus attaches top priority to an early resolution of this state of affairs and has already embarked on a number of actual and announced policies to increase the welfare of the Turkish Cypriots and to encourage the greater integration of all the people of Cyprus. It is equally important for the EU and the UK to support this process within the legitimate framework of international law and justice.

*What role should the UK play in the continuing process of negotiations?*

Action for Cyprus believes that the UK should play a central role in the negotiations of a solution and should be prepared to push for innovative solutions and not be constrained against the framework pursued for the last 30 years, of a bizonal, bicomunal federal solution. The UK’s interests will best be served if it adopts a modern, fresh approach to international affairs and takes on the role of an honest broker. The UK should push for a solution that is consistent with UN resolutions and with the ideals and values of the EU and the Acquis. The UK should, in our suggested new role as honest broker, insist that human rights and fundamental freedoms, as enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms, as well as the UN Covenant on Civil Rights and Political Rights, be an integral part of the Cyprus Republic Constitution and that no exemptions should be allowed for the Cypriots, as is currently the case (Art 11(3) of Annan Plan).

*Implications of the Annan's Plan Rejection for the northern part of Cyprus*

It is highly regrettable that a mutually acceptable solution could not be found and that the two communities' referenda results were diametrically opposed. Nevertheless the benefits to the northern part of Cyprus, since the lifting of the restrictions on the freedom of movement by the Turkish occupying forces and Cyprus joining the EU, are very real and substantial. The Government of the Republic of Cyprus has put into action and has proposed a number of policies that will improve significantly the economic and social benefits of the Turkish Cypriots and enable them to achieve the same standards of living as if the Acquis applied to the whole island. The benefits to the Turkish Cypriots however would be even greater if the island were truly reunited. These potential benefits to the Turkish Cypriots, we believe, will maintain the pressure on their leadership to find a speedy solution that is acceptable to both sides. The British Government should support the initiatives of the government of the Republic of Cyprus which seek to encourage and strengthen the co-operation of the Cypriots and further the confidence building measures, such as returning the uninhabited town of Varosia to its legitimate owners and the operation of the port of Famagusta under international laws.

*Should the British Government seek to alter its relationship with the northern part of the island and if so how?*

The British Government should seek to truly reunify the island and its people. The UK should show equal concern for the democratic and human rights of all Cypriots in whichever part of the island they reside. This must be the only consistent and viable position for the UK to adopt. The UK must adhere to the policy it has adopted up to now that there is only one internationally recognised State of Cyprus and one legitimate Government, that of the Republic of Cyprus. Cyprus is an island that has been illegally invaded, occupied and partitioned by Turkey. The British Government can only bring hope to all the people of Cyprus if it is willing to guarantee their safety, human rights and hence prosperity.

*Implications for the EU's Relationship with Turkey:*

It is important to recognise that it is in Turkey's economic interests to join the EU and like any other Member State it will need to negotiate its terms of accession. It knows and expects that great sacrifices need to be made to become a member of the family of Europe, not least on its record on human rights. The Republic of Cyprus does not pose a threat to Turkey by any stretch of the imagination and Cyprus in Europe will be even less of a threat. A solution that truly unifies Cyprus and requires the complete withdrawal of Turkish and Greek troops, and nullifies their status as guarantor powers will not adversely impact on the EU's or the UK's relationship with Turkey. The UK should play the honest broker on Cyprus and convince Turkey to make the necessary compromises to reach a just solution. In exchange the UK will support the entry of Turkey to the EU and provide the necessary guarantees for all Cypriots. It is the price Turkey will have to pay and expects to pay, to be accepted in a club of Member States where the values and ideals of democratic freedoms and human rights are the corner stones of its creation. We believe that should a solution be found along the lines suggested above, Cyprus and Greece would welcome and support the accession of Turkey to the EU.

**CONCLUSIONS AND RECOMMENDATIONS:**

We believe that the UK should not continue to back the Annan Plan as it is, but should support significant alterations that promote the true reunification of the island and its people. The UK should push for a solution that is consistent with UN resolutions and with the ideals and values of the EU and the Acquis.

The UK's interests will best be served if it adopts a modern, fresh approach to international affairs and takes on the role of an honest broker. A truly unified Cyprus within the EU will meet the requirements of the majority of Cypriots for peace and prosperity and will secure the interests of all parties concerned. The issue of guarantor for any solution should be an international one with the EU and specifically the UK having a pre-eminent role.

A solution that respects the fundamental human rights of all Cypriots and is compliant with the EU Acquis will also serve the interests of Turkey and will support her accession to the EU.

Action for Cyprus (Midlands)

10 September 2004

### Written evidence submitted by Union of Refugees and Displaced Persons of Cyprus

SUBJECT: THE RE-ASSESSMENT OF THE CYPRUS PROBLEM

Mr Chairman, Honourable members of the Committee,

We, on behalf of the Union of Refugees and Displaced Persons of Cyprus submit to the Foreign Affairs Committee our position, views and proposals regarding the Cyprus issue.

Our Movement, herewith welcomes the recent decision of the Committee on Foreign Affairs to consider the likelihood of revising the stance it has adopted in the past concerning the question of Cyprus. To this extent, we hope that the Committee will successfully complete the difficult task it has undertaken and anticipate that it will be able to generate findings and conclusions which will be based on the values and principles that the United Kingdom has so often declared to respect and preserve, principles such as justice, equality, democracy and human rights.

We are hereby contacting the Committee so as to give a clear indication of what the people of Cyprus deem essential so as to agree with any proposal made by the UN or any other international body or organ. The latest attempt to resolve the problem, known as the Annan plan, as the Committee is well aware, has been rejected by approximately 76% of the Greek Cypriot community while the Turkish Cypriot Community has accepted it for understandable reasons, which will be described below.

The plan itself, as well as repeated official statements by the Secretary General of the United Nations Mr K Annan and his representative Mr Alvaro de Soto before the referendum underlined the fact that if the plan were rejected from one of the two sides it would be immediately void and non-existent. Therefore and since it has been rejected by one of the two sides by a majority of 76% this plan should be regarded dead and buried. In our opinion the United Kingdom has the obligation to respect the democratic wishes of the vast majority of the people of Cyprus in exactly the same way it would respect any decision of the British public in any referendum.

Taking the above into consideration, we believe it is more constructive to attempt to explain to the respectable Committee why the Greek Cypriot side had decided to disagree with the proposed plan as well as to proceed to suggestions as to what prerequisites any further proposal should include. In summary, the main reasons, which have lead, the people of Cyprus to reject the plan was the inherent unworkability and unfairness which was present throughout the plan. In addition to these reasons, which will be elaborated below, the people of Cyprus maintain and are adamant on this issue, that since the Republic of Cyprus has joined the EU, any future proposal for a solution may not deviate from the *acquis communautaire* and other principles such as equality, non-discrimination and protection of human rights.

We hope that the United Kingdom, a country which protects the rights of its citizens and a country which fights powers and entities that oppose international rights and norms will be able to re-assess correctly its up to now misguided stance regarding Cyprus. We hope that the economic and political interests that the United Kingdom may have invested in Turkey will not result in allowing Turkey to violate and breach continuously and on a mass scale the most fundamental rights of the people of Cyprus, both Greek Cypriots and Turkish Cypriots. We hope that in this new era, this Committee and the government of the United Kingdom will be able to abide by principles it has so openly supported, principles like justice, democracy and rights.

The United Kingdom has proved frequently that whatever the sacrifices and consequences, it shall pursue action in order to maintain peace and stability, in order to protect the weak and those who are suffering. We believe that it is time for this Committee to examine the Cyprus question more correctly and openly. It is a matter of an aggression and a continuing occupation; a fact that in 1991 in Kuwait triggered armed intervention. It would be futile for us to expect this kind of response as we do not have petrol oil but only olive oil, however we do expect and hope that the United Kingdom will eventually understand and realise that by supporting, aiding and abetting Turkey to continue its violations against the people of Cyprus it is not promoting the true principles that the United Kingdom was founded upon and has so dearly fought to preserve.

Following the above, we have prepared a brief commentary, which explains why the Greek Cypriot community correctly rejected the plan but simultaneously explains the ambition of the Greek Cypriots to reach a just solution as quickly as possible.

The Republic of Cyprus is a sovereign state, which is a full member of the United Nations since its independence in 1960. The Republic of Cyprus is an island with 802.500 inhabitants of whom approximately 80% are Greek Cypriot, 11% are Turkish Cypriot and 9% are foreign residents and workers<sup>6</sup>.

The Republic of Cyprus, in 1963, during its first years of independence, witnessed an internal strife between the two major communities. In July 1974, there was an unsuccessful attempt by the military junta in Greece to overthrow the legitimate President of the Republic. As a pretext, after the failed *coup d' etat*, the Republic of Turkey, decided unlawfully and arbitrarily, to invade and continuously occupy and divide, approximately 37% of the territory of the Republic of Cyprus, for 30 years<sup>7</sup>.

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<sup>6</sup> <http://www.moi.gov.cy/moi/>

<sup>7</sup> <http://www.moi.gov.cy/moi/>

As a result of this unlawful, yet continuing, invasion and occupation, in direct contravention to Article 2(4) of the UN Charter, approximately 200,000 persons ie two fifths of the population, have been through the use of force, both physical and other, internally displaced and prevented from returning<sup>8</sup>. During the invasion, Turkey adopted the practice of enforced disappearances of Greek Cypriots<sup>9</sup> and has, since then, on a continuous basis, omitted or refused to co-operate with the Republic of Cyprus and the International Red Cross as to the determination of their whereabouts<sup>10</sup>. The internally displaced persons have been evicted forcefully from their homes and properties in direct violation of Articles 8 of the European Convention of Human Rights and Article 1 of Protocol No.1 of the same Convention<sup>11</sup> and Article 49 of the 4th Geneva Convention.

They have been victims of continuous inhumane, degrading treatment, which amounts to torture<sup>12</sup>. These persons have had their individual and collective rights continuously violated, based on discriminatory and racial grounds<sup>13</sup>. The Republic of Turkey has been engaged in the perpetration of grave breaches of the Geneva Conventions and has to this extent carried out mass forcible transfers and illegal settlement of the occupied territories with parts of its own civilian and military population<sup>14</sup>. Moreover the cultural heritage of the island has been ever since the invasion, on a continuous basis destroyed and plundered.

Unfortunately, key players of the international community, due to political expediencies and interests, have continuously undermined the abovementioned unquestionable facts and have addressed the problem as if it were an inter-communal strife rather than an ongoing invasion and occupation. As a result, the UN Secretary General proposed a plan, known as the Annan plan<sup>15</sup>, which was put, on 24 April 2004 before the two communities, in the form of two simultaneous separate referenda. It suffices to mention that in the referenda, in the occupied part, the settlers, who apparently exceed the actual number of the indigenous Turkish Cypriots<sup>16</sup>, had a right to vote and they voted knowing the pre-meditated and illegal crime of settlement was arbitrarily and retrospectively “legalized” in the plan, contrary to provisions of Customary and Treaty based International Law. The results of the referenda were approximately 76% of the Greek Cypriots to reject the proposed plan, while approximately 65% of the Turkish Cypriots and settlers approved it.

It is important to examine the real reasons why the Greek Cypriots rejected the plan, as under no circumstance can the unsupported assertion that Greek Cypriots did not want re-unification have any merit. They disapproved of the plan as they disagreed with a large number of core provisions such as the selected few mentioned below:

- (1) The fact that the human rights of all the Cypriots were not safeguarded in accordance with international standards. On the contrary, fundamental rights such as the right to return to one’s home<sup>17</sup>, respect to private and family life, the right to enjoy one’s property<sup>18</sup>, freedom of establishment<sup>19</sup>, participation in Government<sup>20</sup>, the right to be elected or to participate in elections<sup>21</sup>, to name but a few, were all limited or totally negated according to one’s ethnic or racial background. This created an unacceptable new form of apartheid and continuous discrimination based on criteria, which have been internationally condemned<sup>22</sup>, criteria that would in the near future increase the differences and friction between the two communities rather than bridging and unifying the people of Cyprus.
- (2) Turkey preserved her right to intervene militarily at any time, if she deemed it was necessary<sup>23</sup>, a right, which she claims, she had in the past and has invoked so as to carry out the 1974 invasion. This fact was further exacerbated by the provision that only a part of the Turkish occupying army would be removed<sup>24</sup>. These provisions suppressed the feelings of safety and dignity of the local population.

<sup>8</sup> Interstate Applications Cyprus v. Turkey 6780/74, 6950/77, 8007/77, 25781/94. <http://hudoc.echr.coe.int/hudoc/>

<sup>9</sup> <http://www.kypros.org/Cyprus—Problem/missing.html> ,

<sup>10</sup> <http://www.cyprus.gov.cy/cyphome/govhome.nsf/0/>

<sup>11</sup> See for example *Loizidou v. Turkey (Merits)* Application No. 15318/89 18 December 1996.

<sup>12</sup> See E/CN.4/Sub.2/1993/17\*, E/CN.4/1996/52/Add.2, E/CN.4/1998/53/Add.2

<sup>13</sup> See E/CN.4/Sub.2/1994/18, E/CN.4/1995/49, E/CN.4/Sub.2/1997/23

<sup>14</sup> UNGA Res 3395 (XXX) 25.11.1975, UNGA Res 34/30 20.11.1979, UNGA Res 37/253 13.5.1983 [http://www.moi.gov.cy/moi/PIO/PIO.nsf/All/F8A417A0530CA515C2256DC200389A3C/\\$file/2%20may%202003.pdf?OpenElement](http://www.moi.gov.cy/moi/PIO/PIO.nsf/All/F8A417A0530CA515C2256DC200389A3C/$file/2%20may%202003.pdf?OpenElement)

<sup>15</sup> [http://www.stockwatch.com.cy/nqcontent.cfm?a\\_name=news\\_view&ann\\_id=28285](http://www.stockwatch.com.cy/nqcontent.cfm?a_name=news_view&ann_id=28285)

<sup>16</sup> Recommendation 1608 (2003), Recommendation 1197 (1992), Recommendation 1056 (1987), Parliamentary Assembly of Council of Europe

<sup>17</sup> See for example Article 3(7) of the Main Articles of the Plan, see also Article 2(1) of Draft Act of Adaptation to the Terms of Accession of the United Cyprus Republic to the European Union

<sup>18</sup> See for example Article 10 of the Main Articles, see also Annex VII Article 21, see also Annex VII Part II articles 5-18, Annex VI attachment 1,

<sup>19</sup> See for example Article 3(6) of the Main Articles of the Plan, see also Article 2(2) of Draft Act of Adaptation to the Terms of Accession of the United Cyprus Republic to the European Union

<sup>20</sup> See for example Article 5 of the Main Articles of the Plan, see also Article 26 of the Constitution

<sup>21</sup> See for example Article 3 (3) of the Main Articles of the Plan

<sup>22</sup> Committee on the Elimination of Racial Discrimination, General Recommendation XXII on article 5 and refugees and displaced persons (forty/ninth session), A/51/18 (1996), annex VIII.C, para.2(d).

- (3) According to the plan, at least 85,000 illegal settlers were “legalized” and acquired a right to stay<sup>25</sup>. This fact is in direct conflict with international humanitarian law creating a dangerous precedent, which could be invoked in the future in other long-term conflicts. Knowledge of this precedent would motivate occupying powers to attempt to prolong their occupation so as to successfully change the demographic structure of the occupied territory, with the a priori knowledge that the settlers would be allowed to stay when the occupation came to an end.
- (4) The plan demanded the striking out of all pending individual applications of displaced persons against Turkey, before the European Court of Human Rights<sup>26</sup>. Moreover, the plan provided that any compensation, regarding the ongoing violation of the right of enjoyment and loss of use of property<sup>27</sup> would be provided by the “constituent state” from which the applicant derived from. In this way, Turkey, who is the sole perpetrator of crimes against humanity and war crimes, as well as violations of human rights, and thus directly responsible for restitution in integrum and compensation<sup>28</sup>, was directly absolved from its international obligations. This resulted in leaving the people of Cyprus with the burden to revive the economy<sup>29</sup>, pay compensation to displaced persons and bridging the differences between the two communities, while having to deal and work with an unworkable and unjust plan.

We maintain, that the philosophy whereby this plan is based upon, should and must be revised and reassessed, as it distinguishes/discriminates the inhabitants of the island according to their “component state” identity which in reality is nothing more than dividing the inhabitants of the island on the basis of their ethnic, racial and religious origin, creating a European state with an apartheid constitution. This philosophy which is the cornerstone of the Annan plan and also the 1960 Constitution of Cyprus, rather than bringing both Communities together, uniting them, merely increases the gap and friction which already exists in Cyprus due to the struggle of powers in the specific area, which derives mostly from the three directly involved countries, Turkey, Greece and the United Kingdom.

This plan, instead of adopting and reaffirming principles such as democracy, rule of law, equality, non-discrimination, protection of rights such as freedom of establishment and movement, protection of minority rights but not to the detriment or to an unequal manner of other people or communities in the island, does exactly the opposite.

The United Nations has totally distorted reality. The Cyprus problem is not one of an intercommunal strife it is one of a violation of the cornerstone of the UN charter, it is a violation of Article 2(4) of the United Nations Charter, it is a clear case of one Country invading another.

Furthermore, this plan is unworkable and unbalanced. It creates not a situation of political equality but a direct oppression of the majority by the minority in direct contravention of principles such as democracy and individual equality, one-person one vote. The plan is condemned ab initio to fail, as it is not workable.

From the above mentioned facts one can clearly understand why the Greek Cypriots had every reason and obligation towards the future generations of all Cypriots to disagree with the plan. However, we, as persons residing in a semi-occupied country, do not merely reject unfair and unworkable plans.

We put forward counter-proposals. We reaffirm our commitment to promote and seek a solution that is based on and is in accordance with international law, the resolutions of the Security Council<sup>30</sup> and the General Assembly of the United Nations<sup>31</sup> as well as other specific and general Recommendations and Reports from Committees such as the Human Rights Commission<sup>32</sup> and the Economic and Social Council<sup>33</sup>. We also request that any future solution is based on the *acquis communautaire* of the European Union and the principles of democracy, rule of law and protection of human rights as well as the European Charter of Fundamental Rights.

We maintain, that for a solution to be viable and long lasting it should take into consideration the following historic and unquestionable facts argued and decided in the European Court and Commission in Strasbourg:

During 1974 a number of civilians were killed, tortured, and raped. Their right to liberty, security, and prohibition from forced labour and enforced disappearances was violated. Their right to respect for private and family life, freedom of thought, conscience, religion expression, discrimination, of protection of property and education were all violated. These violations are well documented from various sources, especially in the three Interstate cases of *Cyprus v Turkey*

<sup>23</sup> See Part C Annex III, Additional protocol to the Treaty of Guarantee

<sup>24</sup> See Part C Annex IV Article 3, Additional protocol to the Treaty of Guarantee

<sup>25</sup> Annex II Attachment 3, see also Annex III Attachments 4&5

<sup>26</sup> Annex VIII Attachment III,

<sup>27</sup> See Annex VII Attachments 3 & 4

<sup>28</sup> *Loizidou v. Turkey* (Just Satisfaction) Application No. 15318/89 28 July 1998, <http://hudoc.echr.coe.int/hudoc/>

<sup>29</sup> <http://www.stockwatch.com>

<sup>30</sup> UN SC Res 355 (1974), UN SC Res 360 (1974), [http://www.un.org/Docs/sc/unsc\\_resolutions.html](http://www.un.org/Docs/sc/unsc_resolutions.html)

<sup>31</sup> UNGA Res 33/15 (1978), UNGA Res 37/253 (1983) UNGA Res 3212 (XXXIX), UNGA Res 3395(XXX), <http://www.un.org/Depts/dhl/resguide/gares1.htm>

<sup>32</sup> Recommendation 1987/50 11 March 1987

<sup>33</sup> E/CN.4/Sub.2/ 2002/17

brought forward before the European Commission of Human Rights in Strasbourg. These decisions were applied and reaffirmed in the case of a Greek Cypriot Refugee Mrs Loizidou who won the first case of this kind in the European Court of Human Rights on 18 December 1996. The last case which adjudicates this matter to a final judgment stage is the fourth interstate case brought forward by Cyprus against Turkey, which was decided on 10 May 2001, in the European Court of Human Rights, rather than in the Commission which was the previous practice, whereby the Court found a violation of Articles 1, 2, 3, 5, 6, 8, 9, 10, 13, 14 of the European Convention for the protection of Human Rights and Articles 1 and 2 of Protocol 1. Currently there are over 3,000 applicants in the European Court of Human rights complaining for similar violations, which resulted from the unlawful and continuous acts of Turkey since 1974. Moreover, a number of historical and educational buildings archaeological sites and monuments were destroyed especially Churches of unique kind and character. Sacred icons have been disposed of in the international markets along with many artefacts, but at this stage the violation of rights is the most important issue that should be addressed.

The rejected plan completely disregarded the above findings of the European Court, and numerous Security Council and UN General Assembly Resolutions. The UN itself, completely disregarded its Charter, a Charter made to bring peace and stability in the international community, based on certain values, and proposed a plan which was clearly outside its mandate.

The United Nations plan, disregards customary international law, the notion of obligations *erga omnes*, grave breaches of the Geneva Conventions. It disregards crimes against humanity and war crimes that occurred in Cyprus and are ongoing since 1974. In addition to this, the Annan plan further proposes that the Cypriots, notwithstanding the fact that they are Citizens of the European Union should accept that the values and principles that exist in the European Union should not form a part of the new state that is being proposed. The plan both directly and indirectly suggests that the principles of Democracy, rule of law, protection and enforcement of basic Human rights such as free movement and establishment should be trumped, forgotten and waived and that the Cypriots with the full agreement of the European Union should accept a so called divergence, deviation of the *acquis communautaire*. The plan suggests that the Cypriots should accept and acknowledge the problem as an intercommunal problem and not one of an invasion, it suggests that the Cypriots should indirectly recognise the regime which has been created in the north and which has not been recognised by any state in the world except Turkey, the perpetrator of these crimes who has been condemned and convicted both in the European Court of Human Rights and in a number of other international fora.

Moreover, we would like to highlight the point that if such a plan is brought before the people of Cyprus for a second time, it will mean that the United Nations and other countries supporting it, have not taken into consideration the free will of the people of Cyprus. Moreover it shall prove its lack of objectivity, as it will disregard the fact that Cyprus is a member state of the European Union and therefore any solution must be in accordance with the *acquis*. It will also ignore the fact that Turkey is currently occupying European Union territory.

Furthermore, we wish to remind the Committee of the legal responsibilities of the United Kingdom which arise from the treaty of Guarantee in the 1960 Constitution and the positive conventional duty of the United Kingdom to adopt all necessary measures so as to guarantee the protection of the constitution, territorial integrity and status quo as was determined in the Cyprus Act of 1960 and the Constitution of the Republic of Cyprus.

Concluding, for a solution based on the universal values of fairness and human rights we hereby urge the Committee to exert its influence in every direction so as to aid the people of Cyprus to succeed in this just quest for long lasting peace, freedom and reunification.

Lastly, the Greek Cypriot community looks forward to the time that genuine re-unification of the island will be succeeded. If such an opportunity presents itself when all Cypriots will have the same obligations and equal rights between one another as individuals and as Cypriots *vis a vis* the rest of the world, then the Greek Cypriot Community will be the first who will support such a long-lasting, viable, fair and workable solution. The people of Cyprus want to have the same obligations and the same RIGHTS as the rest of the European Citizens. We want to become 100% Europeans.

We would be grateful if this memorandum is forwarded to the other members of the Committee.

*Kyriacos Kalattas*  
Secretary General, Union of Refugees & Displaced Persons of Cyprus

12 September 2004

### Written evidence submitted by the Ministry of Foreign Affairs of the Republic of Cyprus

#### NOTE VERBALE

The Ministry of Foreign Affairs of the Republic of Cyprus presents its compliments to the Foreign Affairs Committee of the United Kingdom Parliament and with reference to the latter's announcement of inquiry into United Kingdom policy towards Cyprus, has the honour to send in electronic form, attached herewith, a Memorandum together with its Executive Summary, to assist in its inquiry.

The Ministry of Foreign Affairs of the Republic of Cyprus avails itself of this opportunity to renew to the Foreign Affairs Committee of the United Kingdom Parliament the assurances of its highest consideration.

#### EXECUTIVE SUMMARY

On April 24, 2004, the People of Cyprus were asked to approve or reject the UN Secretary-General's proposal for the Comprehensive Settlement of the Cyprus Problem (Annan Plan V). A clear majority of 75.8% of Greek Cypriots rejected the Annan Plan, which was neither fair nor balanced.

A significant reason for the rejection was the fact that during the negotiations, both in Nicosia and in Bürgenstock, everybody was so keen to satisfying all Turkish demands, whilst, at the same time, the basic proposals of the Greek Cypriot side have been disregarded and their serious concerns were completely ignored.

The final package presented to the sides contained provisions, which could not be approved by the Greek Cypriots; Greek Cypriots did not accept the continuation of the Treaty of Guarantee for an indefinite period of time, with an expanded scope, when compared to the 1960 Agreement; they rejected a Plan, which did not contain ironclad provisions for the implementation of the agreement, especially for those provisions where Turkey's cooperation was necessary; they failed to understand why Turkish settlers, were to be given Cypriot citizenship or a permanent right of residence leading to citizenship; they did not understand why all Turkish settlers, who constitute a majority of persons on the "electoral rolls of the t.r.n.c.", have been permitted to vote in the referendum; they did not consent to a Plan that would have established a complicated and dysfunctional state, through the possibility of continuous deadlocks on clearly political issues unsuitable for judicial arbitration; they did not vote for a Plan imposing on them the liability to pay the large claims for loss of use of properties in the Turkish occupied area and which did not guarantee a workable economic basis for a reunified Cyprus; they rejected a Plan, certain provisions of which are clear violations or long-term suspensions of the enjoyment of fundamental rights; they disapproved a plan that denied to the majority of refugees the right of return to their homes in safety; they rejected a Plan, the provisions of which would deprive Cyprus of enjoying sovereign rights stemming from its membership in the European Union. (Vide pp. 6–14, for the reasons of the rejection by the Greek Cypriots of the Annan Plan.)

On the contrary, the Plan unfortunately stipulated "bizonality" in the sense of creating permanent ethnic and legal separation and effectively brought the whole of Cyprus into Turkey's sphere of influence.

It was not surprising, therefore, that a Plan, so imbalanced in favour of Turkey, was not approved by 75.8% of Greek Cypriots, exercising their legitimate democratic right. It is, however, emphasized, in the strongest possible terms, that Greek Cypriots had rejected this particular Plan and not the solution of the Cyprus problem.

Although the Plan stipulated that it would be null and void in the event of its rejection in the referendum, there are attempts at putting pressure on the Republic of Cyprus and at upgrading the secessionist entity in the occupied areas. It should be noted, in this respect, that no consequences were incurred on Turkey and its subordinate local administration when for so many years they rejected all previous proposals and plans by the Secretary-General of the United Nations.

The Greek Cypriots are not turning their backs to their Turkish Cypriot compatriots. On the contrary, the Greek Cypriot side are fully determined to work for a solution that will meet the hopes and expectations of both communities. We want a common future for all Cypriots within the European Union, without any third parties dictating that future.

The Government of the Republic of Cyprus is the first to support the economic development of Turkish Cypriots; an economic development, which promotes the ultimate aim of facilitating the reunification of our country. (Vide pp. 23-28, for the Cyprus Government's policies and initiatives in favour of the Turkish Cypriots.) However, it is more than evident that Turkey and the Turkish Cypriot leadership are not genuinely interested about the economic development of the Turkish Cypriot community, but primarily for the upgrading and ultimate recognition of the secessionist entity.

The disappointment of the international community, for not arriving at a settlement, is fully understandable. The Greek Cypriots share this disappointment. Nevertheless, it should be noted that the international community should aim at finding and securing viable, just and lasting solutions to international problems; the efforts for a solution of a complex international dispute, such as the Cyprus problem, must continue.



The United Kingdom has a special role in working for a solution preserving the sovereignty, the territorial integrity and the unity of the Republic of Cyprus. It should aim at the economic integration and the rapprochement of the two communities and should avoid actions that are not in line with this goal. In this respect, the United Kingdom should not support and promote proposals for “direct trade” from the northern part of the island. It should, also, not object to the inclusion, in the EU Regulation on financial support for the Turkish Cypriots, of a provision, which will ensure respect of the rights of private property and possessions of the Greek Cypriot displaced persons. Moreover, the British Government should respect resolutions of the Security Council on Cyprus and avoid actions to weaken Resolutions 541 (1983) and 550 (1984).

The Government of the United Kingdom and the international community should remain committed to working for a solution bearing in mind the essence of the Cyprus problem. This is none other than the illegal invasion and occupation of part of the Republic of Cyprus by Turkey and the forceful separation policies inflicted on the Greek Cypriots and Turkish Cypriots by 30 years of Turkish military occupation. The United Kingdom Government should work for the complete withdrawal of all Turkish troops and the demilitarisation of the Republic of Cyprus.

The United Kingdom should also support the proposal of the Government of the Republic of Cyprus, as elaborated in the letter, by President Papadopoulos to Commissioner Verheugen, dated 23 August 2004, for the return of Varosha to its lawful inhabitants and the reopening of Famagusta port, under the joint management of the two communities, with an appointed chairperson by the European Commission.

The Greek Cypriots express their disappointment at the fact that British Representatives in Switzerland, had distributed, during the Bürgenstock Meetings, to Foreign Ministries and the mass media, two inaccurate Memos trying to undermine the positions of the Greek Cypriot side and guide the international community towards a negative attitude in case of disapproval of the plan in the referendum; they express their disappointment at the fact that British policy, following the 24 April 2004 referendum, has not shown, in practice, respect for the will of the overwhelming majority of the Greek Cypriots; they regret the inclusion in the “strategic partnership” document, signed between the United Kingdom and Turkey, of a paragraph affecting the interests of the Republic of Cyprus; they feel that the United Kingdom seems to support and promote proposals which do not serve the aim of the reunification of Cyprus, or indeed the purpose of the economic development of the Turkish Cypriot community and the economic integration of the island and which, on the contrary, infringe on Cyprus’s sovereignty.

Such policies lead to disappointment and can affect the traditional excellent relations and bonds of friendship between the peoples of Cyprus and the United Kingdom and the latter’s role in future negotiation, which should aim at making the necessary changes in the Annan plan, to make it functional and workable and in line with the EU *acquis communautaire*.

The occupation of the northern part of the island and the presence of Turkish military troops are incompatible with international law and the behaviour by a Country aspiring to become a member of the EU. The Ministry of Foreign Affairs believes that the withdrawal of Turkish troops, as well as the fulfilment of its obligations under the Customs Union Agreement concerning Cyprus and the removal of the vetoes on the participation of Cyprus in international organisations will facilitate Turkey’s accession prospects. The United Kingdom should insist on Turkey’s compliance with those obligations.

#### **Further written evidence submitted by the Ministry of Foreign Affairs of the Republic of Cyprus**

Since Turkey’s military invasion and occupation of the northern part of the Republic of Cyprus in 1974, the Cyprus Government and the Greek Cypriot community have vigorously pursued the end of the forcible division and the achievement of the reunification of the Island and its people through a negotiated, just, functional, viable and lasting settlement that would respect human rights for all its citizens.

#### **A. THE LATEST EFFORT TO FIND A SOLUTION TO THE CYPRUS PROBLEM**

The UN Secretary-General presented his first draft Plan in November 2002 and later produced a second draft just before the European Union Copenhagen Summit. The Turkish Cypriot leadership failed to engage in any negotiations on the basis of the Plan, nor did it turn up at Copenhagen to conclude the effort. On 26 February 2003, the Secretary General produced a third draft of the Annan Plan. President Papadopoulos had just won the Cyprus Presidential elections on 16 February 2003. As President-elect he presented his views on the Annan Plan in a letter addressed to the Secretary-General on 28 February 2003, raising a number of fundamental reservations and objections to its provisions.

The UN Secretary-General convened a meeting at The Hague on 10 March 2003. Mr Denktashh, the Turkish Cypriot leader, and President Papadopoulos participated at the talks. Mr Denktashh immediately indicated that he rejected the Annan Plan entirely, its philosophy, its parameters, its trade-offs on core issues. President Papadopoulos, on the other hand, indicated that he was prepared not to raise the “core” issues of the Plan, provided that the other side did the same. He repeated and insisted on the points raised in his letter of 28 February 2003 to the Secretary-General, and expressed his readiness to negotiate in good faith

and good-will on these points. At the same time, he reiterated his concern about the functionality and viability of the Plan and indicated that he would be making proposals for making the Plan more functional and viable, without re-opening important trade-offs agreed by his predecessor on core issues.

In view of the absolute rejection of the Annan Plan by the Turkish Cypriots, the talks broke down and the Secretary-General issued a public statement, expressly laying the blame for the breakdown on the Turkish side and commending the constructive attitude of the Greek Cypriot side. For almost a year, nothing happened because the Secretary-General refused to renew the talks. Finally, the U.N. Secretary-General invited the parties to New York, after President Papadopoulos by his letter, of 17 December 2003, requested a new initiative by the Secretary-General. On 13 February 2004, the Secretary-General announced the accord reached by the two Cypriot parties to start negotiations as soon as possible in the following format:

1. Negotiations between the two sides to last four weeks under the auspices of his Special Adviser, Mr Alvaro de Soto. During this time, the parties would negotiate in good faith in order to reach an agreement;
2. If no agreement was found by the two parties, negotiations would be continued for a further week with the collaboration of Greece and Turkey; and
3. If no agreement was reached at the end of the second phase, the Secretary-General was authorized to finalize the text.

However, the Secretary-General committed himself that this finalisation would be “on the basis of his Plan”, and would be using his right sparingly, when the differences on the issues would be narrowed down and in cases of persistent deadlocks.

No other commitments were entered into at the New York meeting, except for the parties to submit the finalised Plan to referendum. The parties were invited to submit their proposed amendments to the Plan, which ought to be in line with the Plan and limited within the parameters of the Plan. The Greek Cypriot side abided strictly to these guidelines (as accepted by the Secretary-General) and limited its proposals to only seven “Headings”.

Unfortunately, the Turkish Cypriot proposals impinged at the core issues of the Plan, upsetting its balance and basic tradeoffs while being mostly outside the basic parameters of the Plan. These Turkish Cypriot proposals were protested by the Greek Cypriot side to no avail. Though the Greek Cypriot side reserved the right to raise core issues only if the other side did so, showing its good will, it chose not to do so, remaining within the framework and the parameters of the Annan Plan III, being confident that, given the assurances of the Secretary-General and the 4th Point of the New York understanding, any demands by either side, which would be outside the parameters of the Plan would not be taken into account.

Over the four weeks of the first phase there had been no negotiation. The Greek Cypriot side demonstrated repeatedly its will to negotiate in good faith, submitting its proposals both orally and in writing, only to find itself confronted with the Turkish side’s intransigent position once again. At the end of this period the Turkish Cypriot leader declared that he would not be attending the talks at Bürgenstock. Unfortunately, no real negotiations were carried out at Bürgenstock, either. Only one meeting of the parties was called by Mr De Soto, which was eventually cancelled, one hour before the scheduled meeting, at the request of the Turkish Cypriot representative. Mr Talat had said that: “it would be better if the meeting be postponed until after the arrival of the Turkish Prime Minister, Mr Erdogan, at Bürgenstock”. Mr Papadopoulos was not invited to any other meeting for negotiations, during his ten days in Bürgenstock.

It was only at the last two days of the second phase at Bürgenstock that the UN tried to produce a list of priorities to enable “tradeoffs”, especially when Turkey’s Under-Secretary Ziyal conveyed a two-page list of final points demanding that the UN Secretariat include in the plan the changes requested by Turkey. This request was to be met, with the UN Secretary General telling the Prime Minister of Turkey, upon the latter’s arrival at Bürgenstock, on 29 March 2004, that nine out of eleven points had been fully met and that the other two were virtually met. All points were to be met on the final version of the Plan of 31 March.

It should be noted that the “two-page list” of Turkish demands, was never put before the Greek Cypriot side and it was never negotiated either. To give but one example, which is very telling: In previous versions of the Annan plan, it was provided that the Turkish troops will leave the island within 15 years or upon Turkey joining the European union, whichever occurred earlier. Without any negotiation, on this or any other issues, Annan V provided that a number of Turkish troops, with expanded powers, would remain in Cyprus for ever.

Malicious rumours were spread that President Papadopoulos refused to talk with Mr Talat at Bürgenstock, despite a public denial by the UN spokesman in Nicosia, Mr Brian Kelly, on 13 April, who said that: “It appears that there is a misunderstanding. The UN have never told Mr Talat that Mr Papadopoulos refused to meet him (Mr Talat) and Mr Serdar Denktashh face to face”.

The truth is that no real negotiation, face-to-face or otherwise, was carried out at Bürgenstock. The reason is that everybody was so keen to get Turkey and the Turkish Cypriots onboard, after 30 years of their utter intransigence, that all efforts were directed towards satisfying all Turkish demands, whilst, at the same time, not giving any concern or trying to accommodate the concerns of the Greek Cypriot side.

On 29 March 2004, the Secretary General presented a revised version of his plan, containing numerous amendments, including changes on core issues and reopening substantial trade-offs, previously agreed, and requested the comments of the parties within less than 24 hours. In addition to the Foundation Agreement, the revised version consisted of over 9000 pages, including 131 laws, covering, for example, the important issues of citizenship/settlers, the Federal Central Bank, international treaties, etc.

In spite of these constraints the Greek Cypriot side submitted its comments, in writing, as requested by the Secretary General.

On April 24, 2004, the People of Cyprus were asked to approve or reject the U.N. Secretary General's proposal for the Comprehensive Settlement of the Cyprus Problem (Annan Plan V). It was not surprising that a clear majority of 75.8% of Greek Cypriots rejected the Annan Plan, which was neither fair nor balanced. It is significant to say that in these percentages, 70% of the refugees, that under the Annan Plan were supposed to return to their homes, (up to a ceiling of 18% of the Turkish Cypriot population in these areas, and, moreover, of those to reside in the 8% of the occupied areas, which within three and a half years would be returned to the Greek Cypriot constituent state, voted "NO" to the Annan Plan).

#### B. *Considerations by the Foreign Affairs Committee*

The Ministry of Foreign Affairs believes that the Committee, in its examination, should take into serious consideration the reasons why the Annan plan was not approved by the Greek Cypriot side, including the majority of the Greek Cypriot refugees. In the view of the Ministry of Foreign Affairs of the Republic of Cyprus, basic proposals of the Greek Cypriot side, all within the parameters of the Plan, have been disregarded. The serious concerns of the Greek Cypriot side were completely ignored. The clear outcome of the referendum confirmed the initial assessment of the Greek Cypriot side, that all third parties involved in the process, concentrated their efforts towards satisfying the interests of the Republic of Turkey and ensuring a positive result of the referendum in the Turkish Cypriot community, while ignoring the fact that Greek Cypriots also had to be convinced to approve the Plan.

The Greek Cypriots would have been convinced if their concerns about security, the removal of settlers, functionality, the economic and general viability of the Plan, as well as the fears for the implementation by Turkey, of the provisions of a Plan which spanned a period of 21 years, had been addressed and satisfied.

The final package presented to the sides contained provisions, which could not be approved by the Greek Cypriots:

Greek Cypriots did not accept the continuation of the Treaty of Guarantee for an indefinite period of time, with an expanded scope, when compared to the 1960 Agreement. It should be noted that it is this very treaty that Turkey used as a pretext, in violation of the UN Charter, to justify its 1974 invasion of Cyprus. It was not possible for Greek Cypriots to accept the indefinite continuation of Turkey's guarantor status over a country, which has suffered an invasion and subsequent occupation by this guarantor power. In particular, Greek Cypriots did not accept the presence of Turkish troops in perpetuity, which according to the Plan would remain in Cyprus even after Turkey's eventual accession to the European Union, and moreover, even the expansion of the guarantor powers' rights emanating from the Treaty of Guarantee, through the inclusion of an additional protocol. In fact, in Cyprus on 8 March 2004, in its "Talking Points" on "Security-Ratification of the Treaty related to the coming into effect of the Foundation Agreement," the Greek Cypriot side rejected the Turkish Cypriot side's view (expressed in their papers) that there was a right of military intervention and insisted that the Treaty of Guarantee did not empower intervention. At Bürgenstock on 30 March, the Greek Cypriot side asked for clarification that the Treaty did not empower unilateral military intervention. Following the Bürgenstock meeting, the Government of Turkey circulated to the Turkish Grand National Assembly a paper asserting that the Plan gave Turkey "the right of intervention" either alone or together with the United Kingdom and Greece. Since clarifications were still being finalised, the Greek Cypriot side on 15 April 2004 insisted that the matter, which involved a *jus cogens* rule of international law, must be clarified. It gave the UN an Opinion by 19 of the world's leading jurists on the illegality of unilateral intervention under the Treaty of Guarantee. The UN ignored the disagreement over the interpretation of the rights of the Treaty of Guarantee, between the Republic of Cyprus and Turkey, although this issue has been of paramount gravity for the Greek Cypriot side. In order to tackle this issue, and as a last resort and ultimate further concession, the Greek Cypriot side had proposed the adoption of a triggering-off mechanism for the exercise of the alleged right of intervention under the Treaty of Guarantee. However, Mr de Soto refused to discuss the issue and the Secretary General of the UN also did not contemplate this possibility. Even after the presentation of the text of the final Plan, Cyprus tried unsuccessfully to secure a strong resolution under Chapter VII of the UN Charter and in any event the adoption of a triggering off mechanism, to no avail, in view of objections by Turkey.

Greek Cypriots rejected a Plan, which did not contain ironclad provisions for the implementation of the agreement, especially for those provisions where Turkey's cooperation was necessary. It is noted that demands of the Greek Cypriot side for additional guarantees and other safeguarding measures regarding the gradual reduction of Turkey's occupying troops and the territorial adjustment, were ignored, thus, increasing the feeling of insecurity for the Greek Cypriots. The Secretary-General's proposals for assurances regarding implementation did not address the Greek Cypriot request that the UN be involved throughout

the period preceding transfer of the territory due to the readjusted, so that return of the property in good order and repairs and avoiding vandalisms, could be ensured. Acceptance and implementation of the Plan would have had profound consequences. Given that all parts of the Plan constituted an integral whole and were of equal importance, it was imperative that before embarking on its implementation all the proper iron cast guarantees should have been in place that each and every party concerned would comply with all of its obligations arising therefrom. Regrettably, contrary to the Secretary-General's aims in formulating the Plan, the arrangements for implementing territorial adjustments under Annan V would have resulted in a "win—great risk of losing "situation" and not in a "win-win" situation, as intended by the Secretary-General. The arrangements, as envisaged under Annan V, would have given the Turkish Cypriots real and considerable benefits governmentally, politically, internationally, economically, security-wise etc, from the very first day of the Foundation Agreement coming into operation, ie 24 hours after the referendum. Nevertheless, at the same time, 24 hours after the referendum, the Republic of Cyprus would have ceased to exist. In contrast, the two benefits for Greek Cypriots, namely territorial adjustments and reductions in the size of the Turkish Army in Cyprus, would not begin immediately, and would have taken a number of years to be phased in. In this way, the implementation of the Plan, especially those provisions of crucial interest to the Greek Cypriots, would have been contingent to Turkey's good will, which, for the last 30 years, at least, is far from forthcoming even in embryonic form. When for the last thirty years, due to lack of good will on the part of the Turkish side, no progress whatsoever has been achieved in relatively simple issues of profound humanitarian nature such as the investigation of the fate of the missing persons, it would be very imprudent to rely on Turkey's good will for the full, prompt and proper implementation of a Plan, purporting to provide a comprehensive solution to the Cyprus problem. The full implementation of the Plan, would be implemented in phases over a period spanning 21 years after the referendum, whilst, in the meantime, the State—the Republic of Cyprus—would have ceased to exist, whilst its substitute—the "new state of affairs"—would not have fully come into being.

Greek Cypriots failed to understand why, despite their numerous protestations, Turkish settlers, were to be given citizenship of Cyprus or a permanent right of residence leading to citizenship. All provisions regarding citizenship were drafted to obscure the fact that the issue is "Turkish settlers". As a matter of fact, Mr Pfirter, legal adviser to Mr De Soto, and one of the drafters of Annan Plan, told Bogazici University, in Istanbul, on 17 July 2003 that "the Plan does not foresee that anybody will be forced to leave"—his speech having outlined provisions indicating that 70,000 Turks could remain in Cyprus. On 15 March 2004, the Turkish Cypriot side, under Ambassador Ziyal's guidance, asked for a list of "50,000 persons in addition to their spouses and children" to be granted UCR citizenship. Since some 18,000 settlers, married to Turkish Cypriots, were entitled to citizenship under another provision, Turkey was in effect asking for 68,000 settler families to be granted citizenship. On the basis of two persons per family (2 x 50,000) plus the 18,000 spouses of Turkish Cypriots, Turkey was therefore admitting to the presence of at least 118,000 Turkish settlers. The Plan as "finalized" provided for: a list of 45,000 persons; the spouses of Cypriots (18,000 plus); and, furthermore, an additional 20,000 Turks as permanent residents, who would be entitled in four years to UCR citizenship, thus providing for some 83,000 Turks to remain. In addition, 18,000 Turkish University staff and students would remain as residents, while, under the Turkish immigration quota, another 10,000 Turks could settle (in fact remain in Cyprus). Thus, under the 2004 version of the Plan, 111,000 Turkish settlers were either entitled to UCR citizenship or to residence. Accordingly, Mr Pfirter's 17 July 2003 statement that nobody would be forced by the Plan to leave remained accurate. It suffices to remind that the Republic of Turkey, in violation of the 1949 Geneva Convention, the Statute of the International Criminal Court and the Treaty of Establishment, illegally implanted these settlers in Cyprus.

Moreover, people did not understand why all Turkish settlers, who constitute a majority of persons on the "electoral rolls of the TRNC", have been permitted to vote in the referendum, in spite of the principle, laid down by the International Court of Justice, "requiring the free and genuine expression of the will of the people concerned" as well as, the precedent applied in East Timor. The issue is really about Turkish settlers voting. The UN was given an Opinion by 18 of the world's leading jurists on the unlawfulness of letting settlers vote. The Greek Cypriot side had raised this issue continuously. Most notably, President Clerides raised it on 24 July 2000 at Geneva, when Mr de Soto gave his Preliminary Thoughts on a Plan for Cyprus. President Clerides also raised it many times thereafter, as did President Papadopoulos in letters of 28 February 2003, and 22 March and 25 March 2004. However, when the issue was yet again raised by President Papadopoulos, as the referendum approached, the UN Secretariat briefed diplomats that, by raising "settlers issues", the Greek Cypriot side was attempting to torpedo the talks. The Secretary General did not take up the President's request to discuss at Bürgenstock modalities easily and quickly to settle the issue through a review of the "voters list", which denotes the place of origin of each voter. He merely stated that raising the issue was a major addition to the Plan which was before the Parties and that it undermined a fundamental parameter of his Plan. The irony is that Mr De Soto, before (but also after) he was assigned in Cyprus, is the representative of the Secretary-General in Western Sahara, where, as representative of the United Nations, actively promotes the view that "according to international law and the International Court of Justice rulings 'settlers' should NOT be entitled to vote" (!).

Greek Cypriots did not consent to a Plan that would have established a complicated and dysfunctional state, through the possibility of continuous deadlocks on clearly political issues unsuitable for judicial arbitration. This could, with a high degree of certainty, lead to paralysis. And paralysis, would inevitably lead to "dialysis" (dissolution of the State). Functionality covers all the areas of the operation of the state

and the Greek Cypriot concern for functionality was reflected in all of the Greek Cypriot proposals (oral and written) during the process covering, inter alia, federal legislation and its practical application, the Central Bank, fiscal and monetary policy, the curtailing of the various transitional periods, ensuring conformity with EU obligations, the administrative structure and function of the federal government, the decision-making process at all levels, the territorial aspect and the issue of the missing persons. All of the Greek Cypriot suggestions concerning functionality are fully documented, have been within the parameters of the Plan and did not affect in any way the rights afforded by the Plan to the Turkish Cypriots. Does one need much argumentation to accept that no country in the world (far less a small country) can survive without a unified monetary policy? Yet, the Annan Plan does not provide for one -unified- monetary policy, in the case of Cyprus. Can the Greek Cypriot constituent state apply an “austerity” monetary and financial policy, and, at the same time, the Turkish Cypriot constituent state an “expansionist policy”, by borrowing, and, in addition, such borrowing being guaranteed by the Federal Government, the resources of which, as to 90%, would come from Greek Cypriots?

Another significant aspect of the Plan is a misleading impression of improving functionality and of indicating that the Plan represented a solid and workable economic basis for reunification of Cyprus. It is not explained, however, that important recommendations by the Technical Committee on Economic and Financial Aspects of Implementation, (which had only been appointed at Greek Cypriot insistence and included experts from the IMF and the World Bank), had either been changed or not included in the final, fifth Annan Plan and the accompanying Laws. Indicatively, the “Record of Recommendations of the Technical Committee on Economic and Financial Aspects of implementation,” submitted by the UN on 25 March 2004 to the two sides, had noted that “the Cyprus Pound mentioned in the Plan is the current Cyprus pound”. This note was not included in the accompanying Central Bank Law attached to the fifth Annan Plan. Furthermore, the Committee had recommended that in the future Monetary Policy Committee (ensuring currency stability) the Greek Cypriot side should have a majority of members, but the final version of the Plan, provided for equal representation of Greek Cypriots and Turkish Cypriots and that no decision could be taken, unless in the majority vote there was at least one vote from each community. Moreover, the Committee had recommended that the branch of the Central Bank in the Turkish Cypriot constituent state should be closed one year after the entry into force of the Foundation Agreement, subject to the possibility of a contrary recommendation from a working group including IMF and EU experts. Yet the Plan left open the possibilities of maintaining the branch in the Turkish Cypriot constituent state and of widening its responsibilities. Such a development could seriously undermine the effective exercise of monetary policy. Even more seriously, the Committee had recommended that “An advisory Council should be created to serve as the main coordinating vehicle between the federal and constituent states to define a joint fiscal policy stance and contain and manage new borrowing by an Internal Stability Pact within the Macroeconomic Stability Council”. There were detailed provisions on the functions of this Macroeconomic Stability Council and on the borrowing limits of all levels of Government, but the Plan and the accompanying Laws only referred to the possibility of setting up an MSC with an advisory role by a later federal Law. (All federal laws can only be approved by separate majorities of the two communities’ deputies.) Yet again the Committee tackled the issues of prevention of harmful tax competition and taxation of commuters, whereas the fifth Plan and Laws were silent. Finally, the Committee had defined federal economic policy, whereas the Plan did not touch upon this major issue. All these Committee recommendations were agreed to by the Committee’s members, including the Turkish Cypriot experts, but Annex II, while it indicates that implementation of the Committee’s recommendations would ensure a workable economic basis for a reunified Cyprus, is silent as to the departures from these recommendations in the Plan.

Greek Cypriots rejected the Plan, certain provisions of which are clear violations or long-term suspensions of the enjoyment of fundamental rights. These provisions institutionalize a divisive structure in the political sphere, on questions of residency, in the exercise of the right to property and even the right to conduct business. It should not be forgotten that a substantial number of those voting were refugees, 70% of which voted “no”, and who for more than thirty years have been deprived of their human rights, particularly their right to return and to property, due to the presence of 35,000 troops and 119,000 illegally implanted Turkish settlers.

Greek Cypriots disapproved a plan that denied to the majority of refugees the right of return to their homes in safety. Moreover, the proposed complex mechanism, relevant to the exercise of the property rights of refugees, with the numerous conditions attached to reinstatement of property, failed to convince that it would effectively function. In addition, the scheme for compensation was fraught with ambiguities that raised serious concerns about its future economic viability. It has been said that 120,000 displaced Greek Cypriots would be returning under Greek Cypriot administration. This is most definitely not so. Based on the 1973 Census of population, 85,000–90,000 displaced persons would be the maximum number able to return to these areas. They were not a majority of the refugees. It is curious, to say the least, why the number of displaced persons who potentially may return by extrapolating the population to its present levels including the descendants of many who have left Cyprus, has been exaggerated. The UN negotiating team knows well the true facts. At the same time, it is mentioned, elsewhere, that “over time 100,000 Greek Cypriots would be able to take up permanent residence in the Turkish Cypriot State”. Again, the figures are grossly exaggerated and no time frame is given. The actual potential numbers are as follows: between

2010–2013 12,000–13,900 persons were eligible to resettle; between 2014 and 2018 the cumulative number would have increased to 26,700–31,500; and between 2018–2023 the maximum cumulative number could have become 44,000 to 51,000.

Greek Cypriots rejected a Plan imposing on them the liability to pay the large claims for loss of use of properties in the Turkish occupied area. Greek Cypriots simply refused to assume the cost of the fait accompli created by the 30-year occupation of their land. In addition, the Greek Cypriot leader, who would assume the role of the co-president of the Federal State, was obliged to write to the European Court of Human Rights, asking the Court to reject pending cases and discourage new applications to the Court by Cypriot citizens (!).

Greek Cypriots rejected a Plan, which provides that Cyprus shall not put its ports or airports at the disposal of the European Union, in the context of the European Security and Defence Policy, without the consent of Greece and Turkey. Acceptance of such provisions would deprive Cyprus of enjoying sovereign rights stemming from its membership in the European Union.

Some foreign diplomats and observers argue that Annan Plan V provided for the “re-unification” of Cyprus, and, therefore, the Greek Cypriots voting at about 76% its rejection, voted against the “reunification” of Cyprus.

On the contrary, the Plan unfortunately stipulated “bizonality” in the sense of creating permanent ethnic and legal separation and effectively brought the whole of Cyprus into Turkey’s sphere of influence. The “separatist” provisions of the Plan, perpetuating and institutionalising the separation, are rather more important than the unifying provisions, and, in fact, without amendment, they perpetuate the separation. As to the allegations that the Greek Cypriot side did not submit serious demands on the territorial aspects, the return of refugees, on Karpasia, the timetables, etc., the following remarks are made. Had the Greek Cypriot side, at the first phase of the negotiations, proposed such changes in the Plan, it would have been accused that it had moved away from its commitment to submit proposals on the basis and within the parameters of the Plan. It is really strange and a paradox that such allegations are made from those who, at the same time, portrayed the Greek Cypriot side as the one with the negative attitude.

Throughout the talks, in Nicosia, Mr De Soto was advising the Greek Cypriot side that Turkey would “soon surprise you with its proposals on territory and for straightening the map. So wait, until the submission of Turkey’s map before you raise territorial issues”. In the end, at Bürgenstock, both, first, the British High Commissioner in Cyprus, and, later, Mr De Soto, “regretfully inform you that Turkey will not be submitting a map”

Indeed, at the final stage of the negotiations, a number of proposals were submitted by the Greek Cypriot side, which, however, were not satisfied. The Greek Cypriot side pointed out that if the UN was to change the basis of representation in the Senate to a communal basis, reduce the caps on the number of Greek Cypriots to return under Greek Cypriot administration then, in lieu, more territory should be allocated to the Greek Cypriot constituent state (Karpas, Kythrea, Saint Barnabas and Salamis were proposed). This proposal was submitted also in writing, both in the Cyprus talks, as well as those in Bürgenstock.

It became apparent that Turkey’s insistence on her positions and the support she received by certain powers would result in changes to the Plan in her favour and that only those Greek Cypriot proposals that were not inconsistent with Turkey’s demands, or which would have been accepted by the Turkish side, could be accepted by the United Nations, or would be included in the finalised version of the Plan. In the light of these dogmatic and erroneous views, any different negotiating “tactics” of “talking tradeoffs” would have barely changed the end result. The opportunity for an agreed comprehensive settlement was lost because no negotiations were arranged at Bürgenstock and because Turkey, with powerful backing was too intransigent in insisting on her strategic and territorial aims on Cyprus, while the Secretariat was determined to end the interminable procedures, mainly by satisfying the demands of Turkey, even if the result was not a “just solution”. For reasons unknown, or on the basis of incorrect information or assessment of the Cyprus political scene and the feelings of the Greek Cypriots, the Greek Cypriot side was wrongly taken for granted and that they would accept any type of a “solution”.

In any event, even if as a result of the envisaged referendum, the settlement was not approved, (as was the case on 24 April), a major aim would have been achieved for Turkey’s backers; ie that Turkey was cooperative and desirous of settling the Cyprus problem, so that her occupation of Cyprus should not be invoked to deny her application for a commencement date for EU accession negotiations. In such effort, to bring Turkey and the Turkish Cypriots on board by satisfying all Turkish demands, a very important point had been missed. Greek Cypriots also had a public opinion and they also had to give a “yes”. The Greek Cypriot community is a highly politicised community (even our football teams are politically branded by people), and it is, furthermore, a highly literate community, proudly being amongst the three top countries in the world with the highest ratio of University degree holders to population. Consequently, nobody can easily mislead them, primarily on political issues involving the future of their country. The ordinary Cypriot knew exactly what he was voting for in the referendum and why he did so.

The Greek Cypriot side showed its desire for substantial negotiations and for a functional solution by its considerable contribution to the work of the Technical Committees. It was the Greek Cypriot side, which drafted almost in their entirety the Federal Laws, since the Turkish Cypriots were unwilling to cooperate. Unfortunately, the UN, without any negotiations, adopted Turkish amendments modifying crucial laws in a

way that would hamper the independent functioning of the UCR, eg Law on the Continental Shelf, whereby Cyprus could not even explore, let alone exploit, her continental shelf right along the northern and much of the eastern coasts until Turkey agreed to a demarcation. The finalisation of these laws, by the United Nations, was never negotiated, but these laws were simply delivered, in their final form, in the last five days of the Bürgenstock meeting.

A similar procedure was followed in the Treaties Committee whereby the UN Secretary General accommodated in his Plan “treaties” that were designed to integrate the “TRNC” into Turkey and which would have had a similar effect on the UCR had the Plan been accepted. There were also interferences with Cyprus’s Treaty with Egypt on the delimitation of the exclusive economic zone. They also excluded from the list of Treaties binding on the UCR, such an important treaty, like the Treaty of Montreux, while inserting unacceptable agreements between Turkey and the “TRNC” on the FIR, coastal security and Search and Rescue.

The Turkish Cypriot side even sought recognition of the “TRNC” in devious ways, and demanded massive EU derogations and rights for all Turkish settlers to remain. Changes also sought to diminish the UN peace-keeping force’s mandate. Changes sought by the Turkish side subverted not only the procedure agreed in New York, but also the delicate balances of the Plan between the respect for the human rights of refugees and the needs of persons currently using the refugees’ houses. Turkish Cypriot proposals were seeking to legitimise ethnic cleansing and land confiscation while virtually completely abandoning refugees’ rights.

The disappointment of the international community, for not arriving at a settlement, is fully understandable. The Republic of Cyprus shares this disappointment. Nevertheless it should be noted that the international community should aim at finding and securing viable, just and lasting solutions to international problems. The efforts for a solution of a complex international dispute, such as the Cyprus problem, must continue. The solution, to be viable and to withstand the test of time, must be just and perceived as such by the people who have to live with it.

The views of friends of Cyprus from abroad that Annan Plan V is a “unique” plan or that it is a “fairly balanced Plan” are respected though the Ministry of Foreign Affairs disagrees with such assessment. The question, the ordinary person in Cyprus asks, is: “if the foreign politicians claim the right to pontificate that the Plan ‘is fair and good for Cyprus’, don’t we, the people and the residents of Cyprus, who will eventually have to live with this for the time to come, have, at least, the equal right to say that the Plan is not viable and is not good for the people of Cyprus?”

It was not surprising, therefore, that a Plan, so imbalanced in favour of Turkey, was not approved by 75.8% of Greek Cypriots, exercising their legitimate democratic right. It is, however, emphasized, in the strongest possible terms, that Greek Cypriots have not rejected the solution of the Cyprus problem; they have not approved this particular Plan.

### C. THE ROLE OF THE UNITED KINGDOM IN FUTURE NEGOTIATION

Though this particular effort did not succeed in resolving the Cyprus problem, the Government of the United Kingdom, and the international community should remain committed in working for a solution bearing in mind the essence of the Cyprus problem. This is none other than the illegal invasion and occupation of part of the Republic of Cyprus by Turkey and the forceful separation policies inflicted on the Greek Cypriots and Turkish Cypriots by 30 years of Turkish military occupation. After all, the United Kingdom has long-standing relations with Cyprus, and important interests with the Republic of Cyprus, and the feelings of the majority of the people of Cyprus, towards United Kingdom, should not be ignored or allowed to damage this long-standing relationship.

The Greek Cypriots express their disappointment at the fact that British Representatives in Switzerland, had distributed, during the Bürgenstock Meetings, to Foreign Ministries and the mass media, two inaccurate Memos, entitled (a) “UN Secretary General’s Plan for a Cyprus settlement”, and (b) “Cyprus: Bürgenstock: The Final Day (31 March), Summary”, trying to undermine the positions of the Greek Cypriot side and guide the international community towards a negative attitude in case of disapproval of the plan in the referendum. Such actions run contrary to the provision in the plan that it would be null and void in case of its rejection.

The Greek Cypriots express their disappointment at the fact that British policy, following the 24 April 2004 referendum, has not shown, in practice, respect for the will of the overwhelming majority of the Greek Cypriots, as expressed during the voting. There is a feeling that the British policy towards Cyprus, although in words purports to aim for the reunification, in actual terms consolidates the division and the alienation of the two communities bringing feelings of disappointment to the Greek Cypriot community.

One should bear in mind, that, in absolute numbers, the “YES” vote of the Greek Cypriots and the “YES” vote of the Turkish Cypriots, (even including the votes of the settlers), combined are far less of the “NO” vote of the Greek Cypriots.

The Government of the Republic of Cyprus regrets the inclusion in the “strategic partnership” document, signed between the Prime Minister of the United Kingdom with Mr Erdogan, of a paragraph affecting the interests of the Republic of Cyprus (“...in order to end the isolation of the Turkish Cypriots following their

strong support for the Comprehensive Settlement of the Cyprus problem proposed by the UN Secretary General to work within the UN, the EU and bilaterally to promote greater direct commercial, economic, political and cultural contacts between the UK, the EU and the Turkish Cypriot side.” It is odd that a partner in the European Union is signing an action plan (agreed during the British and Turkish Prime Ministers meeting, in Ankara on 17 May 2004) with an EU candidate Country, to work together, in relation to a segment of the population, and against the interests, of a partner in the EU.

Such a policy can affect the United Kingdom’s role in future negotiation, which should aim at making the necessary changes in the Annan plan, to make it functional and workable and in line with the EU *acquis communautaire*.

There is a number of good reasons for which the United Kingdom’s interests can be promoted through good relations with the Government of the Republic of Cyprus.

The United Kingdom has a special role in working for a solution preserving the sovereignty, the territorial integrity and the unity of the Republic of Cyprus. It should aim at the economic integration and the rapprochement of the two communities and should avoid actions that are not in line with this goal. In this respect, the United Kingdom should encourage both communities to implement the EU Regulation on the green line (No 866/2004), which provides for intra island trade and for exports to the EU through the legal ports and airports of the Country. The Regulation entered into force on 1 May 2004. Combined with the Commission’s implementing rules adopted on 7 July 2004, it provides the legal machinery for the crossing of persons and goods across the line.

It should be realised, that the so-called “economic isolation” of the Turkish Cypriots is, to a great extent, self-imposed. A great example of this very fact is the introduction of the Turkish lira as the currency of the illegal secessionist entity in the occupied areas of Cyprus, basically for political reasons. The Ministry of Foreign Affairs of The Republic of Cyprus strongly believes that the so-called “direct trade” is purely a political reward for the Turkish Cypriots, not justified by economic considerations.

The United Kingdom should not support and promote proposals for “direct trade” from the northern part of the island. Such a measure does not serve the aim of the reunification of Cyprus, or indeed the purpose of the economic development of the Turkish Cypriot community and the economic integration of the island. On the contrary, it infringes on Cyprus’s sovereignty, it would help to solidify and deepen the division of the island, and would give a political message to the Turkish Cypriots that they do not need to cooperate with the Greek Cypriots. There is no question whatsoever in international law and practice that it is the exclusive sovereign right of states to define the points of entry and exit of both goods and people. This has also been verified by the Legal Service of the Council during the discussions on this issue at the COREPER meeting of 22 July. The Council Legal Service has also affirmed that legal basis proposed by the Commission for the “direct trade” Regulation (Article 133 of the Treaty of the EU, which deals with trade with third countries) is not the appropriate one.

The United Kingdom should also support the proposal of the Government of the Republic of Cyprus, as elaborated in the letter, by President Papadopoulos to Commissioner Verheugen, dated 23 August 2004, for the return of Varosha to its lawful inhabitants and the reopening of Famagusta port under the joint management of the two communities, with an appointed chairperson by the European Commission.

The British Government should respect resolutions of the Security Council on Cyprus and avoid actions to weaken Resolutions 541 (1983) and 550 (1984). The fact that the Turkish Cypriots voted in favour of one of many UN plans does not change the reality that the northern part of the island is still occupied and 36,000 Turkish military troops are stationed on the island. The United Kingdom Government should underline to Turkey that the presence of Turkish military troops on the territory of an EU partner is incompatible with the British and European values.

#### D. SUPPORT FOR CYPRUS’S GOVERNMENT POLICY VIS-À-VIS THE TURKISH CYPRIOTS

Moreover, the United Kingdom Government should also express support for the Cyprus Government measures vis-à-vis the Turkish Cypriots, which are as follows:

The Greek Cypriots are not turning their backs to their Turkish Cypriot compatriots. On the contrary, the Greek Cypriot side are fully determined to work for a solution that will meet the hopes and expectations of both communities. We want a common future for all Cypriots within the European Union, without any third parties dictating that future. On the contrary, it is the Turkish Cypriots who turn down such measures in pursuit of purely (not economic) political considerations, in the light of the prospect of “direct trade”, which, in this perspective, in fact operates as a disincentive towards unification of the country and its trade.

In this spirit, a package of measures, to the benefit of the Turkish Cypriots, which have been described as generous by the international community and have lead to tangible economic and other benefits to the Turkish Cypriots, is being implemented by the Republic of Cyprus, since last year.

Following April 16, 2003, and the unfortunate collapse of the UN talks in the Hague, the Government of the Republic of Cyprus has elaborated on 30 April 2003, and is now implementing, a “Set of Measures” in the framework of its “Policy vis-à-vis the Turkish Cypriots”. This package includes a wide range of political, social, humanitarian, educational, and economic measures aiming at providing our Turkish



Cypriot compatriots, with the opportunity to acquire, have access to, and make full use of their rights as citizens of the Republic of Cyprus, as well as the benefits arising from the accession of Cyprus to the European Union.

Measures such as lifting of restrictions on the movement of persons and vehicles from and to the Government controlled area have proved to be very successful. The response of the people on both sides of the divide showed the bankruptcy of the Turkish policy of separation.

Since April 2003, more than four million crossings have been registered. Since the enactment of the policy of the Government of the Republic of Cyprus vis-à-vis the Turkish Cypriots, more than 10,000 Turkish Cypriots arrive every day, (a figure representing more than 12% of the population of Turkish Cypriots living in the occupied areas) in the areas under the control of the Republic of Cyprus, earning about \$150 million per year. There is equally a significant number of daily visits of Turkish Cypriots at the competent authorities of the Republic, whereby they deal with issues such as birth certificates, identity cards, passports and other administrative matters.

Many thousands of Turkish Cypriots have visited the medical institutions (of whom a large number receive on a regular basis specialized treatment at the Cyprus Oncology Centre and the Cyprus Institute of Neurology and Genetics); no comparable institutions exist in the occupied areas. Compared to April 2003, the monthly number of Turkish Cypriots treated in these institutions increased by 506%. The number of Turkish Cypriots visiting the medical centres in the areas under the control of the Government is currently to about 1,350 per month.

Moreover, the Government of the Republic of Cyprus is taking steps for the clearing of minefields and the destruction of stockpiled anti-personnel mines in Cyprus. UNFICYP has begun setting up the necessary infrastructure for the implementation of the project. Special training grounds for personnel have been put into place. The EU is providing Euro 2.5 million, towards the cost for the demining project in Cyprus; these money are available as from 1 May 2004.

In addition, the Government of the Republic of Cyprus has published in the Official Gazette of the Republic (12 March 2003) the list with the names of the TC whose cases have been submitted to the Committee on Missing Persons. On 14 June, 2003 the list has been published in most of the Turkish Cypriots newspapers informing the Turkish Cypriots relatives about this measure of the Government and inviting the Turkish Cypriots relatives of missing persons to contact the relevant authorities in order to attain and give information about the fate of their loved ones.

The response by the families of missing Turkish Cypriots has been very encouraging and a number of relatives have already visited the competent authorities of the Republic, where they have received all the information about the fate of their loved ones and have also given blood samples and *ante-mortem* data in order to help in the establishment of the identity of the remains through DNA processes.

Moreover, following the accession of Cyprus into the EU, the Government, working closely with the European Union, have achieved a common understanding in order to have products, produced in the occupied areas, exported, through the legal ports and airports of the Country. The genuine interest of the Government, about the economic development of the Turkish Cypriot community, was shown in practice with the announcement and implementation of a second package of measures, on 26 April 2004.

The Government of the Republic of Cyprus is the first to support the economic development of Turkish Cypriots; an economic development based on the proper criteria that promote the ultimate aim of facilitating the reunification of our country. This has been shown in practice by the announcement and implementation of four packages of measures, of 30 April 2003, 26 April 2004, 16 and 30 July 2004, respectively. These measures have in essence freed the intra island trade of agricultural and manufactured goods, minerals, produced in the northern part of Cyprus, as well as their exports through the legal ports and airports of the Republic of Cyprus. Unfortunately, due to political considerations, such far-reaching measures are not being made use of, due to the insistence of the occupation regime for direct trade through illegal ports and airports in violation of international law.

Furthermore, a document entitled Code for the implementation of regulation 866/2004/EC of the Council on a regime under article 2 of Protocol 10 of the act of accession was produced, in order to facilitate the free movement of people across the cease-fire line of the Turkish occupation forces.

However, it is more than evident that Turkey and the Turkish Cypriot leadership are not genuinely interested about the economic development of the Turkish Cypriot community, but primarily for the upgrading and ultimate recognition of the secessionist entity, ie to secure purely political advantages.

Continuing its unremitting efforts for enhancing cooperation and confidence between the two communities in Cyprus and developing a sense of security among the Greek and Turkish Cypriots, the Government proposed, on 16 July 2004, the opening of eight additional crossing-points along the ceasefire line, demining (which is already, unilaterally, under way by the Government for minefields of the National Guard within the buffer-zone) by both sides of the existing minefields, disengagement of military forces from the walled part of Nicosia, the wider Dheryneia-Famagusta and Strovilia areas, as well as restricting military manoeuvres. On the eight new crossing points proposed, four are of top priority and provide for the crossing of people, vehicles and goods.

In particular, the Government of the Republic has submitted a proposal to the UN for the unmanning of and removal of all weaponry from military positions, on either side, of the old city of Nicosia within the walls and in the Famagusta—Dheryneia area. The total area covered by this proposal will be approximately 28 square kilometres.

On 30 July 2004, the Government announced further supplementary measures in order to facilitate the movement and transport of Turkish Cypriots and their goods. As such, the Government decided on the amendment of the relevant legislation, so that public service vehicles owned by Turkish Cypriots are allowed to cross the line, loaded with persons or products, as appropriate. Such vehicles include:

- trucks to transport goods for own account;
- trucks to transport goods for hire or payment;
- tourist buses and coaches; and
- taxis owned by Turkish Cypriots.

At the same time, in order to facilitate the movement of goods produced in the occupied area and the development of contacts and economic relations between Greek and Turkish Cypriots, the Government introduced a series of measures regarding, among other:

- the exclusion of the obligation of Turkish Cypriots to register on the VAT Register, in order to sell goods or provide services to persons in the areas under the control of the Government; and
- the imposition of zero VAT on goods crossing the line.

The Government of the Republic of Cyprus strongly believes that the welfare and prosperity of the people of Cyprus lie with the economic integration of the two communities and the unification of the economy of Cyprus.

The United Kingdom Government should not support proposals, which promote and present a situation of external trade with a secessionist entity as lawful. Not only all these efforts fail to respect legality, but, also, more importantly, the end result is that they violate the very norms from which they try to derive their legal validity. The outcome is a doubtful attempt to legalize an illegal situation in a territory of Member-State of the EU, where the application of the *acquis communautaire* is suspended, whilst at the same time creating serious practical problems.

#### E. IMPLICATIONS FOR THE EU'S RELATIONSHIP WITH TURKEY

The occupation of the northern part of the island and the presence of Turkish military troops are incompatible with international law and the behaviour by a Country aspiring to become a member of the EU. The Ministry of Foreign Affairs believes that the withdrawal of Turkish troops, as well as the fulfilment of its obligations under the Customs Union Agreement concerning Cyprus and the removal of the vetoes on the participation of Cyprus in international organisations will facilitate Turkey's accession prospects. The Government of the United Kingdom should remind Turkey of those obligations.

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### Further written evidence received from the Ministry of Foreign Affairs of the Republic of Cyprus

#### NOTE VERBALE

The Ministry of Foreign Affairs of the Republic of Cyprus presents its compliments to the Foreign Affairs Committee of the United Kingdom Parliament and with reference to the latter's announcement of inquiry into United Kingdom policy towards Cyprus, has the honour to send in electronic form, further to the relevant Memorandum, sent on 13 September 2004, attached herewith, a Supplement entitled "Whether the United Kingdom should seek to alter its relationship with the northern part of the island".

14 September 2004

#### *Whether the United Kingdom Should Seek to Alter its Relationship with the Northern Part of the Island*

The Ministry of Foreign Affairs of the Republic of Cyprus believes that the Committee, in its examination, should take into serious consideration that the United Kingdom, as a Guarantor Power, as a Permanent Member of the Security Council of the United Nations, and as a Partner in the European Union, must not in any way try to upgrade the status of the secessionist entity in the occupied part of Cyprus, nor attempt to, either directly or indirectly, undermine the sovereignty of the Republic of Cyprus. The United Kingdom Government must work towards the reunification of Cyprus and its people respecting, at the same time, international law including the *acquis communautaire*.

In this respect, the Ministry of Foreign Affairs recalls the legal obligations contained in the provisions of Article II of the Treaty of Guarantee, signed in 1960 which state that: "the United Kingdom, recognise and guarantee the independence, territorial integrity and security of the Republic of Cyprus, and also the state of affairs established by the Basic Articles of its Constitution."

Moreover, the United Kingdom, which was instrumental in the elaboration, drafting and passing of relevant United Nations Security Council Resolutions—especially Resolutions 541 (1983) and 550 (1984)—must avoid any and all actions, which would lead to the weakening of those Resolutions. There is no doubt that our common goal of reuniting Cyprus will be negatively affected forever by such actions, which will undoubtedly lead to the upgrading of and the creeping or overt recognition of the secessionist entity in the north.

The northern part of Cyprus is not a separate state or country, but a part of the Republic of Cyprus, occupied by foreign troops. This is established by a number of United Nations Security Council Resolutions and no country (except the occupying power) or international organisation recognises the existence of such a state. The Ministry of Foreign Affairs recalls UN Security Council resolution 541 (1983), which brands the [secessionist declaration] in the occupied part of Cyprus as "legally invalid and calls for its withdrawal", and 550 (1984), which "Reiterates the call upon all States not to recognize the purported state of the 'Turkish Republic of Northern Cyprus' set up by secessionist acts and calls upon them not to facilitate or in any way assist the aforesaid secessionist entity."

Moreover, it should not be forgotten that the Republic of Cyprus and the United Kingdom are both members of the European Union. The Ministry of Foreign Affairs believes that the founding principles of the EU, namely democracy, the rule of law, respect for human rights and fundamental freedoms, should form the basis of all the endeavours of the Union. The Ministry of Foreign Affairs additionally believes that decisions on issues directly affecting vital interests of the Republic of Cyprus should be made on the basis of cooperation and solidarity.

In view of the above, the United Kingdom should not support and/or promote proposals for "direct trade" with the northern part of the island. Such moves lack any sound legal basis. In fact, they clearly try to promote and present external trade with a secessionist entity as lawful. They attempt to legalize an illegal situation in the territory of a Member State of the EU, where the application of the *acquis communautaire* is suspended, whilst at the same time creating serious practical problems and setting dangerous international precedents. More importantly, such proposals disregard the aim of the economic integration of the island and its people—an aim which proposals for "direct trade" risk sacrificing on the altar of political considerations.

As for Community law, it should be emphasized that the former imposes a specific duty of loyal cooperation between the Community and the Member States enshrined in Article 10 EC. The European Court of Justice has held that "the duty to cooperate in good faith governs relations between the Member States and the institutions." The Court has also emphasized that this obligation "imposes on Member States and the Community institutions mutual duties to cooperate in good faith." The Ministry of Foreign Affairs expects that its partners in the EU will actively support Cyprus in its efforts to assist the Turkish Cypriots and to strive for the reunification of the island, while at the same time upholding its vital national interests. It was, after all, the European Court of Justice itself which decided, in the seminal case of *ex parte Anastasiou* (1994), that "cooperation is excluded with the authorities of an entity such as that established in the northern part of Cyprus, which is recognized neither by the Community nor by the Member States." The findings of the ECJ leave no room for interpretation and preclude EU Member States from conducting "direct trade", or acts of equivalent nature, with the secessionist entity in occupied Cyprus.

As for the insistence of the Turkish occupation regime to conduct “direct trade” through the illegally functioning ports and airports in occupied Cyprus, the Ministry of Foreign Affairs would like to stress that, under a well-established principle of international law, every State has the indisputable right to determine which of its ports and airports are open and functioning, as well as to define their terms of operation. The United Kingdom should respect this sovereign right of the Republic of Cyprus without more.

The Government of the Republic of Cyprus supports the EU’s expressed intention of extending financial assistance for the economic development of the Turkish Cypriot community and recalls that it was the Foreign Minister of the Republic who, at the Council of 26 April 2004, tabled the subject and advocated the granting, to the Turkish Cypriots, of the €259 million that would have been transferred to Cyprus in the event of a solution. The Government of Cyprus welcomes the stipulation in the Commission’s draft Regulation that in the implementation of projects financed under this Regulation the rights of natural and legal persons, including the rights to possessions and property, shall be respected. *A fortiori* the decisions of the European Court of Human Rights concerning Cyprus and, more particularly, its Judgments in the *Loizidou* line of cases where the Court held, *inter alia*, that there had been a breach of Article 1 of Protocol No 1 of the Convention, in that the applicant had effectively lost control over, as well as all possibilities to use and enjoy, her property and that the denial of access to the applicant’s property and consequent loss of control thereof were imputable to Turkey. The Ministry of Foreign Affairs expects that, as a strong advocate of the rule of law and the effective functioning of international and regional judicial bodies, as well as the faithful execution of their decisions, the Government of the United Kingdom will work within the principles of the Court’s decisions.

Lastly, it is noted that Turkey maintains complete and overall control over occupied Cyprus. This continuing reality was acknowledged by the European Court of Human Rights, which, in its Judgment in *Cyprus v Turkey* (2001), underlined that Turkey, which has “effective overall control over northern Cyprus”, is responsible for securing therein all human rights under the Convention and Protocols she has ratified, such that violations of such rights directly by her or her “subordinate local administration” are imputable to Ankara. Unfortunately, there is still no change in this situation as the Turkish army continues to cast its dark shadow over all decision-making in occupied Cyprus, including decisions pertaining to the movement of Greek Cypriot products, which must be approved by the Turkish military.

The welfare and prosperity of the people of Cyprus lie in the economic integration of the two communities and the unification of the island’s economy: not with the encouragement of unlawful, separatist tendencies. For, any moves or initiatives supposedly aiming at the economic development of Turkish Cypriots but with evidently hidden political motives, create nothing more than a disincentive for a solution and promote the permanent division of the island, whose northern part continues to toil under the presence of 36,000 troops and more than 100,000 settlers transplanted from an EU Candidate Country. It is in this context that the United Kingdom should be aiming at the intensification of contact and cooperation between the members of the two communities, whilst avoiding actions that are not in line with the goal of Cypriot reunification.

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**Written evidence submitted by Dr Claire Palley, former UK Representative to the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, and former constitutional consultant to the President of Cyprus**

I. *Purpose*

The purpose of this Memorandum is to focus attention on three linked aspects of British policy towards Cyprus associated with UK support of the Annan Plan. It is hoped this will assist in inquiring into the substance and implementation of current policy, its consequences and whether policy changes are appropriate. The three aspects are:

- (i) Relegation of international law and international humanitarian and human rights law—areas to which the UK has in the past been a major contributor in establishing standards;
- (ii) Relegation of the concerns of a friendly Commonwealth and now European Union Member State (Cyprus); and
- (iii) Prioritisation of UK interests in having alignment with US foreign policy (which favours Turkey) over UK interests in maintaining smooth operation or even the continued existence of the Sovereign Base Areas in Cyprus.

II. *Appendix “A”*

Appendix “A”, entitled “The UN Secretary-General’s mission of Good Offices in Cyprus 1999–2004, with Special Reference to UK and USA Policy and with an Explanation of the outcome of the Referenda,” has been attached in order to facilitate appreciation of the abovementioned policy aspects.\* The Appendix explains:

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\* Not printed.

- (i) The UK Foreign Office's active involvement in formulating and supporting the Annan Plan;
- (ii) The Plan's controversial final substance and the preceding major changes as it was modified between late 2002 and April 2004, concentrating on its departure from international law and human rights standards;
- (iii) The reasons for the response of the majority of Greek Cypriots to the talks under the UN Secretary-General's mission of good offices and to the "finalised" Plan as manifested in the 24 April 2004 referendum; and
- (iii) Subsequent developments involving UK action as regards measures affecting Turkish Cypriots (only in brief).

The Appendix is a detailed insider account by a participant in the talks, who has since 1980 been constitutional consultant to the Government of the Republic of Cyprus. It was compiled because the writer saw the final activities of the UN Secretariat, advised by the USA and supported by the UK Foreign Office, as having wasted a significant opportunity to reach an agreed and fair settlement of the Cyprus problem. That opportunity had been sought for 27 years since the High Level Agreement of 1977 had laid down Guidelines for a settlement. The 1977 Agreement was followed by the 1979 High Level Agreement, which stipulated that human rights and fundamental freedoms of all citizens would be respected, and by development, over many sets of talks, of an indicative framework for a Cyprus settlement.<sup>34</sup> Agreement, or failing agreement finalisation of all details, in accordance with the developed guidelines (which had been supported by successive UK Governments who participated in the drafting of Security Council Resolutions on Cyprus endorsing the framework) should have occurred at a time when there were incentives for all concerned to reach agreement. However, the opportunity was thrown away—a charge the Secretariat and some diplomats and ex-diplomats have unjustly levied against Greek Cypriots—because the long-standing and consistent attempts to balance Greek Cypriot and Turkish Cypriot interests were, from late 2002 onwards, subordinated to a desire to secure Turkish and American interests, with this policy being supported by Her Majesty's Foreign Office. US and UK action in producing a Plan perceived as being in Turkish interests caused adverse reactions by many Greek Cypriots and these are set out in the section of the Appendix explaining the reasons for "No-saying". But it was not merely frustration at "the lost opportunity" which provoked the writing of this Appendix: the Plan and its associated presentation by the UN and several EU Member States' representatives have consolidated international opinion that the Annan Plan, as claimed by the Secretariat, conformed to the Security Council's long-held vision of a settlement and that the Plan should not be re-opened.

An account alternative to that provided by the Secretary-General is necessary, because the latter's presentation in his Report, S/2004/437, 28 May 2004, of Secretariat action from late 2002 to May 2004 has become the received picture at a time when persons, other than those directly involved, did not know many of the facts or appreciate the serious consequences for Cypriots (of both Communities) of the provisions of the rapidly evolving Plan. Because the Secretariat's own account was a propaganda exercise to sanction current policies, rather than a more normal balanced UN Report, the Appendix in large measure takes the form of a rebuttal of the 28 May 2004 Report, following a similar conceptual framework.<sup>35</sup>

Unless international ignorance of the Plan's real substance is replaced with informed understanding, this deeply flawed Plan will be extremely difficult to re-open and replace. Obviously the Cyprus problem will not be decided by production of histories and arguments applying rules of law, but will be politically decided by the directly interested parties and by major Powers involved in its causation and continuation. However, unless their decision-makers, outside the small core of officials who were responsible for current policies and distortions of previous policy, are alerted to what occurred, a political environment encouraging fresh

<sup>34</sup> The two High Level Agreements of 1977 and 1979 are the only agreements between the two Cypriot sides on the Cyprus problem and form the cornerstone of any mutually acceptable settlement.

<sup>35</sup> Diplomats and negotiators may explicitly say they are affording justice, but they may also use the term to cover its opposite, especially when there are conflicting concepts of justice, fairness and history on hand—or at least different interpretations—such as those which have divided the sides in Cyprus. The Secretary-General's Report (S/2004/437, 28 May 2004, which stimulated the writing of the Appendix) leaned towards Turkish and Turkish Cypriot interpretations, and the writer of the Appendix as a virtual counter-Report hopes that, while no account can claim to provide "the whole truth," it approximates better to what occurred between late 2002 and April 2004 and to what the Plan portended, if properly appreciated, than did the Secretariat's Report. It is in any event desirable that the perspective of most Greek Cypriots be understood (not least by Turkish Cypriots) because competing views of the past lead to revisions of thought and ultimately to constructive engagement. But it should be clear that the Appendix is not a mere apologia for those Greek Cypriots who voted against the Annan Plan. In a bona fide attempt to narrate the course of the negotiations and surrounding events and to analyse the Plan as it was repeatedly modified, I kept in mind the words of a modern historiographer about the activity of getting the story straight:

"being a scholar, I write also for a community of other scholars. . . who know nearly as much about my subject as I do. They are in a position instantly to remind me of the excluded facts and wrong-headed interpretations that my own bias, self-delusion and lack of diligence have kept me from acknowledging."

I acknowledge that my frustration at the lost opportunity and the fact that the UK's "ethical foreign policy" appears to have become defunct—at least so far as concerns Cyprus—as well as my sympathy for the Greek Cypriot side are evident in the Appendix, but I do not believe that writers should try to mask their attitudes by careful editing. Had I operated such pruning shears, critics would still observe: "She would say that, wouldn't she?" It is up to readers, alerted to my sympathies, and appropriately discounting these, to evaluate whether the Appendix provides a valid alternative account of events and of the effect of the Plan.

negotiations will not develop. When negotiations occur, there cannot be mere reconsideration of the Plan with a re-vamping of some selected elements. Even less can there be only consideration of security aspects within the competence of the Security Council, as suggested by the UK Prime Minister. In its own terms, the Plan is “null and void”.<sup>36</sup> Contrary to the Secretary-General’s suggestion in his recent Report that the Plan had “now run aground” (para.73), but remained “the only foreseeable basis” to achieve a settlement (para 80), the plan sank. Its traces will, in Mr Erdogan’s language in relation to Annan III, be “a reference point” for future discussion, but the good ship “Annan” was too controversial and defective to be a model for a settlement. A little tinkering in its engine-room and the addition of some more Heath Robinson devices will not make it sound and one in which Greek Cypriots would be willing to navigate should it be re-floated. Only comprehensive negotiations, in which there are, for the very first time, serious inter-party discussions covering all issues, can end with an agreed settlement. There needs to be a newly named Plan, drawing on the Annan Plan as one source amongst others, just as that Plan in all its five versions did on the preceding de Cuellar and Ghali Plans. Without full reconsideration of all aspects of the Plan—and in depth—there cannot be a Cyprus settlement, unless one is imposed by force or duress.

The writer hopes that the Appendix, despite its imperfections, provides sufficient evidence to persuade the Foreign Affairs Committee that it should recommend a new UK policy approach, leading to constructive engagement of the parties involved and to “comprehensive negotiations” with “no preconditions”<sup>37</sup> in a search for a “just and lasting settlement in Cyprus” (S C Resolution 1250 (1999), 26 June 1999, paras 3 and 7, a Resolution which is still binding and was co-drafted by the UK).

### III. *UK-Republic of Cyprus relations and risks hereinafter of their deterioration*

Over the first 42 years of independence, tactful diplomacy by successive UK High Commissioners,<sup>38</sup> together with sensitive low-key administration of the Sovereign Base Areas and close co-operation with the Government of the Republic, has, for much of the time, resulted in excellent UK–Cyprus relations, whatever reservations each Government may have had about the conduct and motives of the other.<sup>39</sup> By and large the general public in Cyprus began to see the UK as a friendly State, rather than as the imperial Power colonising their Island, even if some sections of Cyprus society mentally dwelt on the past behind a genial façade.

These good relations developed in despite of the inauspicious background of the bitter and violent anti-Colonial struggle, which left residual resentments and suspicions on both sides. There were of course intermittent difficulties: some small groups of persons, opposed to the Sovereign Base Areas as being a subtraction from Cyprus’s sovereignty and a residuum of colonialism, from time to time held demonstrations, although these were discouraged by successive Cyprus Governments; some exhibitionists or mavericks challenged SBA authority to apply SBA laws; some inhabitants of the SBA’s tried to extend their farming activities at times or in areas which would obstruct military operations and defied SBA authority; and some villages near Limassol with a “dockland” culture found it difficult to adapt to SBA administration of law. Yet such difficulties have not been permitted to disturb good inter-Governmental relationships and the positive general attitude of the Greek Cypriot public.

This was a significant achievement, rendering smooth operation of the Bases possible, even if in recent years there have been some major incidents in connection with the antennae (particularly a newly erected antenna) at Akrotiri, where local inhabitants claim the equipment causes health hazards.<sup>40</sup> The achievement is a joint one of the UK and Cyprus Governments, the latter having afforded full co-operation to the SBA Administration in spheres ranging from day-to-day administration to security issues, policing issues,<sup>41</sup> harmonisation of laws, and handling of illegal migrants—particularly those intending to use Cyprus as a transit point to the UK.

The Foreign Office undervalues the support—of which it may not be fully aware—which successive Cyprus Governments have given to ensure SBA security and wider UK interests in Cyprus. For example, in 1986 after US air raids on Libya in which, according to some press reports, the SBAs had been used as a base or for refuelling, President Kyprianou immediately telephoned Colonel Gaddafi and requested him

<sup>36</sup> See Annex IX: Coming into Being of the New State of Affairs, Article 1.2.

<sup>37</sup> By “no preconditions” I mean both procedural conditions and substantive requirements, such as one side insisting that it will not talk unless a right of intervention is granted or the other side insisting that every dispossessed property owner must have restitution of his property rather than compensation where lawful and appropriate. The phrase “no preconditions” is not used by me as code allowing one side to say that UN Resolutions must not be applied as has sometimes been the interpretation given the phrase in Cyprus.

<sup>38</sup> Notably Sir Arthur Clark, Sir David Hunt, Sir Peter Ramsbottom and more recently the then Mr David Madden (who had an uphill task following the stance of his predecessor).

<sup>39</sup> This emerges from the now open papers in the UK Public Record Office and from comments to the writer by Greek Cypriot political figures.

<sup>40</sup> For a long period the Ministry of Defence resisted application of the European Convention on Human Rights and Protocol No 1 to the SBAs. The Foreign Office eventually persuaded HMG to extend the Convention to the SBA’s where it had not applied since 1964. The long-term consequence is that, if scientific evidence supports allegations that there is indeed a threat to life or integrity of the person, SBA law will have to afford remedies to persons whose rights have been violated or face possible claims to the European Court of Human Rights.

<sup>41</sup> The writer was present at a luncheon between the Republic’s Attorney-General and the Legal Adviser to the SBA’s where a low-key policy on prosecuting “martyrs” who wished to get publicity was informally agreed—as were certain policing matters.

to ensure that action was not taken by Libya against the British Bases in Cyprus.<sup>42</sup> This particular instance is symptomatic of a general atmosphere which has led to non-subjection of British interests in Cyprus to terrorist attack, although the Island is located so close to areas of unrest. This has been due to the excellent relations the Republic of Cyprus enjoys with the Arab world. It should be added that the protection afforded British interests has not been at a price of neutrality to terrorism by Cyprus Governments: Mr Clerides' Government in 2002 gave the fullest co-operation as regards anti-terrorist measures, including tolerating actions within Cyprus's territorial waters which were arguably within the exclusive jurisdiction of the Republic; such co-operation continues.

Maintenance of good relationships is not something which happens automatically. It requires continuous attention, especially when the press reports events and comments negatively on these, provoking public responses, which are especially prompt when memories of the past linger and when there are active public representatives and others with particular ideologies, happy to take advantage of the situation. Governments, themselves already irritated by particular attitudes of their partners, respond to public emotions and, in a short period, hostility emerges. It is difficult to smooth over such problems when the very persons doing the smoothing (diplomats) are perceived as part of the problem.

If Cyprus–UK relationships become embittered—as they well may, if the attitudes and actions of HM Foreign Office in relation to the Annan Plan and current representations by the UK to EU institutions concerned with EU action as regards activities in the Turkish-occupied part of Cyprus persist—co-operation even on a day-to-day basis is likely to become difficult. Responsibilities undertaken by the Cyprus Government as a matter of goodwill may in future not be undertaken or may even be reconsidered.<sup>43</sup> While the letter of agreements reached prior to Cyprus's independence may be observed as regards the SBAs,<sup>44</sup> reluctant and “feet dragging” co-operation will render operation difficult and expensive.<sup>45</sup> The tolerant Nelsonian attitude of Cyprus Governments to use of Cyprus airspace, surveillance sites inside the Republic and even SBA facilities by States allied to the UK, which have from time to time been of strategic significance, may also change.<sup>46</sup> Moreover, once the Greek Cypriot public as a whole, including the large number of persons living around the Bases, revert to antagonism to the UK, the law and order situation, now under control, will be difficult to maintain.

The matters above-mentioned, though potentially causing aggravation, inconvenience and expense to the Ministry of Defence, may however be regarded as “small beer” by the Foreign Office in relation to the advantages to be secured by its current policy. That policy is to be supportive of the Republic of Turkey as regards Cyprus, both because of Turkey's Middle East strategic situation and the importance which the Foreign Office attaches to Turkey acquiring EU membership, with her membership likely to result dilution of the process of EU economic integration and preclusion of longer-term autonomy in the Security and Defence sphere, thereby maintaining EU dependence on NATO and the importance of the transatlantic relationship with its mediating role for the United Kingdom. What seems to have been overlooked in these policy decisions is that, although the Foreign Office may regard Cyprus as a minnow State, the UK is bound to Cyprus by Treaty obligations. Should the Republic successfully raise these issues before appropriate international judicial fora—and the Republic has legal Opinions from jurists to the effect that she has good chances of so doing—the UK could ultimately lose the SBAs and the consequential international intelligence benefits which accrue to her through information-sharing with the USA. The UK would then forfeit the only secure territory giving the UK (and her allies) unchallengeable strategic access to the Middle East. (Turkey, as the USA found in early 2003, cannot be relied on for this purpose.)

<sup>42</sup> This conversation occurred in the writer's presence upon her suggestion.

<sup>43</sup> The co-operation eventually negotiated as regards asylum seekers and illegal migrants entering the SBA's is at considerable expense to a small State. The SBAs do not form part of the EU and Protocol No 3 on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus (with Annex and Declaration), which provides for special arrangements to implement EU Treaty provisions and related EC law and for the implementation of provisions of the Treaty of Establishment in the SBAs, was negotiated with the co-operation of the Cyprus Government. Continued co-operation is essential if delegation of functions imposed on a Member State is to be made to the Government of the Republic, as the Protocol envisages—in the interests of both Parties. If co-operation fell away, Protocol No 3 would require reconsideration and possible incorporation of the Bases in the EU, to the displeasure of the Ministry of Defence.

<sup>44</sup> The agreements are set out in various Annexes to the Treaty of Establishment 1960 and in the Exchanges of Notes regarding the SBA's and Sites in the Republic (see Cmnd, 1093, July 1960, for the texts).

<sup>45</sup> For example if there is not smooth operation of port and customs facilities for SBA re-supply, or if there are complications with air traffic control etc.

<sup>46</sup> The Treaty of Establishment explicitly provides for forces of Commonwealth countries stationed with or operating in conjunction with UK forces based on the Akrotiri or Dhekelia SBAs to be given rights similar to those given to UK forces ie privileges as regards movement in Cyprus, criminal matters, civil wrongs, customs, taxes etc. (Annex C, section 1.3). The right to use the Sites specified in Annex B is also conferred on such Commonwealth countries' forces (Annex B, section 9.4). This explicit provision, and the fact that the SBAs are for United Kingdom military bases, indicates that the Treaty did not contemplate that non-Commonwealth States would be operating in conjunction with UK forces based in the SBAs. The MOD attitude is however, that, since the UK is sovereign, the Bases can be used as they see fit for all UK allies, and that only the specific benefits conferred by Annexes B and C are not available to non-Commonwealth forces operating on the Bases. Even if that interpretation is correct, problems could ensue. For example there could be customs duty on aviation fuel and use of surveillance sites by their personnel would be impermissible.

IV. *The legal position of the SBAs and the Treaties of Establishment and of Guarantee 1960 and potential challenges to or under the Treaties by the Republic of Cyprus*

In the municipal law of the UK there is no doubt that the UK has “sovereignty” over the SBAs.

However, their status as UK territory is uncertain in international law. The Republic of Cyprus has a right to claim self-determination in relation to the residual Crown Colony territory still in Cyprus.<sup>47</sup> The Treaty of Establishment 1960 is not determinative of this issue. It was one of a basket of three linked Treaties (the Treaty of Guarantee and the Treaty of Establishment—to both of which the UK, Turkey, Greece and Cyprus were parties—and the Treaty of Alliance—to which the UK was not party). The Government of the Republic disputed the validity of the Treaties in February 1964 at the Security Council on several legal bases, including the Treaty of Guarantee’s conflict with a peremptory norm of international law, namely, the rule against the use of force, and all these Treaties on the basis of unequal status and duress attending their execution. This Cyprus view was rejected by Sir Patrick Dean at the Security Council on behalf of the UK.<sup>48</sup>

Even if arguments that the Treaties were void are not upheld, especially since there has been practice of Cyprus co-operating with HMG in applying the Treaty of Establishment for 44 years, the events of 1974 when first Greece and then Turkey militarily intervened in Cyprus, Turkey’s continuing military occupation of part of Cyprus and the UK’s continuing failure to guarantee the territorial integrity and security of the Republic of Cyprus and also the state of affairs established by the Basic Articles of its Constitution (as the UK undertook to do under Article II of the Treaty of Guarantee) entitle the Republic of Cyprus to terminate the Treaty. In passing, it is worth noting that, by Article III of that Treaty, the Republic of Cyprus undertook to respect the integrity of the SBA’s and to guarantee rights to be secured to the UK under the Treaty of Establishment. Little heed has been paid also to Article 3 of the Treaty of Establishment, requiring the UK “to consult and co-operate in the common defence of Cyprus”. This she has failed to do. It is arguable that these two Treaties stand or fall as one. Hitherto, small Cyprus has not wished to open up a legal front against the UK while confronted by the Republic of Turkey, but, if the Secretary-General is correct in claiming that there is a “totally different context from the 1960s and 1970s, namely, the full membership of the United Cyprus Republic in the European Union” (which he used as justification for the UN’s failure to clarify that there was no right of military intervention—Report of 28 May 2004, para 61), Cyprus would not be threatened by simultaneous expansion of the current Turkish military front were it to raise these issues. The Republic of Cyprus is therefore not constrained in this respect as it has previously been. At this point it must be emphasised that the discussion of the three Treaties throughout the talks was without prejudice to the position of the Republic of Cyprus as to the invalidity of the Treaties.

It has not passed unnoticed in Cyprus that the UK attempted through the Annan Plan to re-legitimize the position of the SBAs, and UK rights in respect of these, through the Additional Protocols to the Treaty of Establishment and the Treaty of Guarantee, which were annexed to the draft Treaty between the United Cyprus Republic, Greece, Turkey and the United Kingdom related to the New State of Affairs in Cyprus. The attitude of many Greek Cypriots may have been unduly cynical, but it was “Trust not Albion bearing gifts”. Thus the changes were not perceived as a *bona fide* attempt, by way of UK cession of some territory, to ensure that the territorial proportions of the constituent states in the UCR were acceptable to both Cypriot sides. Rather than being considered a simple benevolent offer, it was analysed as being one involving abandonment of Cyprus’s residual claim to self-determination, with the side-benefit of ridding the SBA Administration of certain areas whose inhabitants had intentionally caused law enforcement problems in the Bases.

Alternatively, should the Treaties be valid and remain in force (a view which was from time to time taken by legal advisers in the Foreign and Commonwealth Office before 1974, but fudged when convenient in policy papers by officials), the Republic of Cyprus, however small a State it is, has Treaty rights, which the UK, as a law-respecting State, should uphold. Although officials have interpreted Article IV of the Treaty of Guarantee as conferring a right, not an obligation, on the UK to take action, with previous Foreign Secretaries having contended that they are under no duty because “there is no defence treaty with Cyprus” to respond to any Cypriot appeal in case of Turkish invasion (cp Mr George Brown, CAB 128/42, Cabinet meeting 23.11.67, pp 3–4), this overlooks Article III of the Treaty of Guarantee, whereby the UK has

<sup>47</sup> The SBAs are the residuum of the Crown Colony of Cyprus annexed on 5 November 1914 following Turkey’s entry into World War I as an ally of Germany and the Austro-Hungarian Monarchy. Article 20 of the Treaty of Peace with Turkey signed at Lausanne on 24 July 1923 removed all international law doubts to the UK’s acquisition of Cyprus. By Article 16, Turkey renounced all rights to Cyprus and recognised that its future was to be settled by the UK. Before 1914 Cyprus had been under British suzerainty under the secretly negotiated Cyprus Convention of 1878. In exchange for British undertakings to protect Turkey against Tsarist advances in the Caucasus (the regions of Kars, Ardahan and Batoum) and a tribute, the Sultan assigned the Island “to be occupied and administered by England,” which was given full powers to make laws and to regulate its commercial and consular relations free from Turkey’s control. The purpose of acquiring Cyprus was to have a place of arms in the Eastern Levant to act as a counterpoise to Russia and to prevent her influence expanding in Asiatic Turkey (then including, as well as Asia Minor, Syria, Iraq and Arabia).

<sup>48</sup> SCOR, 1098th meeting, 27 February 1964. The UK view was that any unilateral action under the Treaty of Guarantee depended on the particular circumstances (self-defence and regional arrangements). There were duties of prior consultation and immediate report to the Security Council, and the action taken must be with the sole aim of re-establishing the state of affairs established by the Treaty. The same view was taken by Mr Wilson’s Government on 17 July 1974 prior to Turkey’s invasion of Cyprus. He added that he did not accept that the Treaty of Guarantee conferred on Britain any right to intervene militarily: M A Birand, 30 Hot Days, Rustem, Nicosia, 1985, p 8. This book was based on information from Turkish participants in those Anglo-Turkish discussions.



guaranteed the state of affairs established by the Basic Articles of the 1960 Cyprus Constitution and has also guaranteed Cyprus's territorial integrity and security. Although the UK cannot be compelled to intervene either militarily or diplomatically, she remains responsible to uphold the Treaty. This is surely a matter of concern to the Committee, and it could enquire of the Foreign Office what it intends doing by way of policy and action to ensure that the UK's obligations are observed.

The answer will doubtless be given that the UK has been actively involved in negotiations on a Cyprus settlement in terms of SC Resolution 353 (1974) 20 July 1974, para 5, and SC Resolution 939 (1994) 29 July 1994, para 3. The latter Resolution requires the Secretary-General to consult "with the Guarantor Powers" with a view to "fundamental and far-reaching reflection on ways of approaching the Cyprus problem in a manner that will yield results, and reiterates its call to the parties to demonstrate their commitment by co-operating fully to this end".<sup>49</sup> In pursuance of this Security Council request for involvement by the UK the following actions, *inter alia*, were taken: the then Sir David Hannay was appointed Special Envoy in 1995 and (with Mr Richard Holbrooke of the USA) laid down the procedure to be followed in the talks; the Foreign Office Legal Department and former members gave frequent assistance to the Secretariat team in the talks; a special team to deal with Cyprus issues was set up in the Ankara Embassy; co-ordination with the State Department<sup>50</sup> and the UN Secretariat occurred; diplomatic pressures were applied in Cyprus and in Ankara and to other Governments who were kept briefed as seen fit by the Foreign Office. The Foreign Office input was not merely procedural, but substantive as to the shape and details of the Plan, so much so that the Plan was perceived, at least so long as Lord Hannay was active, as the UK Foreign Office's brain-child.

Although it is because the UK is a Guarantor Power that it has been involved, the involvement has not been in terms of the Treaty of Guarantee. Since the late July 1974 meeting in Geneva preceding the second wave of the Turkish invasion of Cyprus on 14 August, there appears to have been no Treaty meeting (ie no formal Treaty meeting) under Article IV of the Treaty, which governs meetings of the Guarantor Powers in the event of a breach of the provisions of the Treaty in order to consult together as to measures or representations necessary to ensure observance of the Treaty's provisions.

The Treaty contains no provision for other meetings, including any meetings with the Republic of Cyprus, the beneficiary of the guarantees by the other three Powers.

Active Foreign Office involvement in the Plan continued as late as the Burgenstock meetings. There, the UN and EU teams were receiving advice from the Foreign Office Legal Department that there was no problem in derogating from fundamental principles of EU law as regards human rights, particularly the right of return, property rights, rights to assume residence in the Turkish Cypriot constituent state and to restrict establishment of Greek Cypriot business. The Foreign Office, through the UK delegation, advised that the Plan could and should be made EU "primary law" and so framed as to prevail over the relevant rights before the European Court of Justice and the European Court of Human Rights.<sup>51</sup>

Earlier, the Foreign Office Legal Department had been advising that derogations from the human rights in the European Convention on Human Rights and Fundamental Freedoms and Protocol No 1 as regards the right to home and to possessions (property) could be dealt with in the Plan so as to require Turkey's State responsibility to be assumed by the future constituent states, who should instead pay compensation for property violations by Turkey, with all claims against Turkey to the European Court of Human Rights being stayed. By the time of *Annan V*, a device, more likely to be upheld by the Court, was substituted in Article 5 of Annex VII of the Plan on the basis that a domestic remedy was available through compensation paid by the Property Board (with such compensation being funded by Greek Cypriot taxpayers who would have formed 92% of the federal taxbase). Whether the Foreign Office Legal Department contributed to this scheme is unknown. It has certainly used arguments of a similar character in Strasbourg to urge the Committee of Ministers of the Council of Europe to delay pressing Turkey into measures ending property violations in Cyprus found by the Court in *Cyprus v Turkey* in May 2001. The Committee might now consider inviting the Foreign Office Legal Department to provide it with an Opinion, in light of the International Court of Justice's Advisory Opinion on the Consequences of the Construction of a Wall in the Occupied Palestinian Territories on 9 July 2004. This should examine the compatibility with international law of the Annan Plan property provisions (which do not, except in part, provide for restitution), the restrictions on return of displaced persons plus the rights of settlers to become Cypriots

<sup>49</sup> This Resolution was reiterated in Resolution 1146 (1977) and in Resolution 1250 (1999), which sets out the principles the Cypriot leaders should commit themselves to in the comprehensive negotiations, and is still binding.

<sup>50</sup> A striking example of the close association between the USA and UK in policy-making as regards the Plan was the participation of the USA's Envoy and other US diplomats as members of the UK delegation at Burgenstock. Representatives of other States, except EU delegates, were refused the right by the UN to participate. After considerable protest and subject to restrictions, Russia was permitted to be present.

<sup>51</sup> It is the writer's view that a great deal of Foreign Office legal ingenuity has gone into evading (not merely avoiding) the provisions of international human rights law, State responsibility, humanitarian law, EU law, international law on the use of force, law on the sovereignty of States over their airspace and maritime national resources and the Law of the Sea Convention (in which last respect see the Appendix on according Turkey vetoes in respect of these issues as regards Cyprus). Perhaps I am unfair in attributing all this to Foreign Office legal thinkers and some of these ideas may have come from UN staff who are UK citizens, such as Mr Zacklin and Sir Kieran Prendergast, to whom Mr de Soto reported. Greek Cypriots certainly perceived the moving force, in conjunction with Mr de Soto, as British, whether at the top or even at intermediate levels in the Secretariat.

citizens and the toleration of Turkish settlers voting in a self-determination referendum by the Secretary-General. It should be recalled that the United Kingdom is a signatory to the Fourth Geneva Convention of 1949, which the International Court has now declared is crucial to determining issues of these kind put before it in *The Wall* case.

A final Foreign Office act as regards the Plan immediately before the referenda was perceived by Greek Cypriots as not friendly. This was the UK's and USA's co-sponsorship and forcing to a vote of a Security Council Resolution on 21 April 2004 (S/2004/313) contingently coming into operation upon the approval in the referenda of the Annan Plan. Advance Security Council endorsement of the Plan prior to the referendum was, in view of the virtual reverence with which the Cyprus public treats UN Resolutions, obviously an attempt to manipulate public opinion in Cyprus, thereby interfering with the free self-determination exercise and intervening within the domestic jurisdiction contrary to UN Charter Article 2.7. The Resolution was vetoed by Russia on technical grounds of consultation and timing (see Appendix).

#### V. *The implications for the EU of a divided Cyprus*

It is submitted that the focus of this question should first be the basis of the division, because "division" *per se* is not a legal concept and the mere fact of division does not determine the consequences and the permissible limits of action. The UK, as a State which observes international law, cannot selectively apply such law, even if it leads to what are considered to be undesirable consequences or ones displeasing to UK allies. It is therefore necessary to begin with the fact that the northern part of Cyprus is under a foreign military occupation and that it is governed by a subordinate local administration of Turkey, the military Power in occupation and control (Judgments of the European Court of Human Rights in *Loizidou v Turkey* in 1996 and 1998 and in *Cyprus v Turkey* in 2001). The situation in Cyprus is not a question of a civil war (even if this was arguably the case at the end of 1963, in 1964 and until December 1967, with both Greece and Turkey intervening and sending in forces in excess of Treaty of Alliance numbers or threatening invasion). Since 20 July 1974 only Turkey has been involved following her aggression which then commenced.<sup>52</sup> Even were there a civil war situation (as with China and Formosa, later Taiwan), it is not in accordance with the comity due to States to intervene in a civil war, and it would aggravate an intractable situation were it sought to grant some higher intermediate status to the Turkish authorities in the occupied area.

The UK is bound by Security Council Resolutions 541 (1983) and 550 (1984) (which it co-drafted and sponsored) to treat the Turkish Cypriot authorities' declaration of purported secession of part of the Republic of Cyprus as legally invalid, to treat all secessionist actions as invalid and not in any way to facilitate or assist the secessionist entity. Because this entity is the fruit of aggression, international law prescribes its non-recognition. It has not been suggested that there be any "recognition" of the entity,<sup>53</sup> but some of the measures possibly under consideration are equally prohibited by the Resolutions. Measures consolidating that entity and its economic status will facilitate it, contrary to SCR 550 (1984).

Individuals who are citizens of Cyprus are entitled to the rights the EU confers on its citizens (unless these have in any way been suspended). Such EU citizens are free to seek employment in many EU States, including the UK.<sup>54</sup> Turkish settlers are not citizens of Cyprus, and cannot avail themselves of this benefit.<sup>55</sup> A recent development has been the increasing number of Turkish Cypriots who have sought to acquire

<sup>52</sup> There had been some minor incidents of actual aggression by Turkey in late 1963, accompanied by a threat to invade which was defused by US discouragement, by Cyprus's first approach to the Security Council, and the UK's offer of a Joint Truce Force of the Guarantors, which Turkey reluctantly had to accept. These matters, including the fact of Turkey's announcement on 25 December to the Foreign Office of her intention to dispatch Turkish forces to Cyprus (and a threat of intervention as early as March 1963) are shown in the Public Record Office papers: see FO371/168980. C1015/328, telegram no. 1393, British Embassy, Ankara to Foreign Office, 25 December 1963. There were again major threats by Turkey of invasion in February to March 1964 and June 1964, actual intervention in August 1964 and serious threats to attack Cyprus in November 1967. US action, UK advice, UN good offices and UN Security Council Resolutions restrained Turkey from large scale aggression until she was offered the opportunity to "intervene" (as she prefers to describe her conduct) by the Greek Junta-organised coup against President Makarios on 15 July 1974.

<sup>53</sup> The term "recognition" is used in a different fashion in private international law, not to refer to recognition of the entity itself, but to "recognition", followed by enforceability of the judgments of courts when the courts of third States recognise judgments of judicial bodies established by other States. This private international law rule has been extended by some foreign States' courts to "courts" of the subordinate local administration and to business organisations incorporated there in the interests of certainty of international commercial relationships. Similarly courts can, in the interests of individuals, recognise acts affecting such persons' status eg registration of births and marriages and grants of divorce. The scope of recognition of administrative or judicial acts is limited, as is clear from the *Namibia Case*, now reiterated in the *Advisory Opinion on Consequences of the Construction of the Wall*.

<sup>54</sup> Ironically, however, the residence and property provisions of *Annan V* could and would have prevented Cypriots' exercise of their right to freedom of establishment and to freedom to own property in their own country, even while those same Cypriots could immediately exercise these rights in most EU states and ultimately throughout the domain of the EU at the end of transitional periods applicable to the last wave of accession.

<sup>55</sup> Under the Plan some 80,000 Turkish settlers in Cyprus would immediately have acquired the right to migrate to the UK as workseekers. This was a reason for settlers, who form a majority of the Turkish Cypriot electorate, to support the Plan.

Republic of Cyprus passports and to effect registration of details of births and marriages so as to be able to acquire all EU benefits. In this they have been facilitated by the provision of enhanced services by the Government to process speedy administrative action.<sup>56</sup>

The recent Advisory Opinion on the Consequences of Construction of the Wall in the Palestinian Territory is also relevant in the EU context. The Advisory Opinion has major implications for what can be recognised in relation to properties owned by displaced Greek Cypriots in the areas of Cyprus in which the Republic does not exercise effective control. In this connection, the Committee might consider further asking the Foreign Office Legal Department how it is that, even after that Advisory Opinion, and presumably in accordance with the Legal Department's advice, UK representatives have in the EU Commission and Council, contended that there should not be an Article in the proposed Regulation dealing with the grant of EU funds to the Turkish Cypriot Community precluding such funds from being allocated for projects involving exploitation of displaced owners' property unless such owners have been compensated.<sup>57</sup> (This is an important general humanitarian law issue, which will in due course arise in relation to Serb-owned property in Croatia, to Croatian-owned property in Serbia, to Muslim-owned property in Croatia, Serbia and Republika Srpska and to Serbian-owned property in Kosovo when EU aid for reconstruction potentially involving such properties is granted.) Even after other States in the relevant EU-decision making body accepted that seized Greek Cypriot-owned property, for which compensation had not been paid, should not be used in EU aid projects, the UK representatives continued to attempt to water down the protection of property and thus the rights of dispossessed owners.

#### VI. *Role of the UK in the EU after the referenda*

The role assumed, subsequent to the referenda results, by the United Kingdom in regard to the Turkish-occupied area has already occasioned adverse comments in the Greek language press and among the public. Since, presumably, the Foreign Office will give a full report to the Committee on its activities on this score in EU institutions, it suffices to say that the UK delegation was prominent in advancing the argument that only qualified majority voting is needed for decisions on the taking of measures to enable direct international trade by Turkish Cypriots, even if by virtue of the EU authorising measures facilitating this, Cyprus's sovereignty over her ports and harbours would be infringed, and the Government of Cyprus's powers and responsibilities as regards international trade (in relation to which, so far as concerns the occupied area, the EU *acquis* currently has no application) would be disregarded. Thus the Foreign Office advanced arguments, relying on provisions of the EU Treaty eg Article 133, as empowering such action, although, by virtue of Article 1.1 of Protocol No.10, the *acquis* is suspended in the areas in which the Republic does not exercise effective control—unless this suspension has in part or in whole been altered by unanimous decision of the Council under the provision, which is not the case.<sup>58</sup> Such an argument, which the UK persuaded the Commission to adopt, disregards both international law and EU law, and has been described by the Legal Service of the Council as a *détournement de pouvoir* (see Appendix).

The disregard of UK representatives in the relevant EU decision-making bodies for property rights of dispossessed Greek Cypriots owners (mentioned in V above) has also been, and still is, the subject of criticism in the Greek language press in Cyprus.

Obviously Foreign Office policy-makers are sympathetic to individual Turkish Cypriots, who have not enjoyed the trading opportunities open to Greek Cypriots and whose income per capita is far lower than that of Greek Cypriots due to Turkish mismanagement of the economy of the occupied area (see Appendix) and the refusal of Turkey's subordinate local administration in the occupied area to allow commercial relationships with Greek Cypriots and authorities of the Republic of Cyprus, including making use of its services and facilities<sup>59</sup>. To the extent that any measures by the Government of Cyprus have in effect denied economic benefits to Turkish Cypriots, not as such, but because they are in an area occupied by a foreign Power, this has since been remedied in law by Republic of Cyprus and EU action so far as is compatible

<sup>56</sup> Over time, when they meet a two year residence requirement, those settlers who are married to Turkish Cypriots will be eligible to apply for citizenship of the Republic of Cyprus. Already the Cypriot citizenships of a considerable number of children of mixed Turkish-Turkish Cypriot marriages have been registered by the relevant Cyprus Government Ministry.

<sup>57</sup> This matter is relevant to part VI below and having been dealt with here is merely noted there.

<sup>58</sup> Article 133 was invoked to bypass the unanimity requirement of Article 1.1 for changes as regards suspension of the *acquis*, after the Foreign Office had unsuccessfully tried to persuade the relevant EU committee to use an Article of the Protocol which permitted qualified majority voting. Opponents of the EU Constitution would be horrified to discover how HMG has tried to use the EU to intervene in the affairs of one of its Members and use qualified majority voting. It shows how, were it applicable, qualified majority voting and domineering majority attitudes can put a Member State's internal arrangements under threat. It is to be hoped that if the new EU Constitution is adopted, EU bodies will not treat a large Island(s) in the way that the same large Island sought to treat a smaller partner Island Member State.

<sup>59</sup> The "TRNC" hindered use of facilities to such an extent that it even sought to criminalise conduct of Turkish Cypriots who obtained Republic of Cyprus passports. Hampering of commercial relationships and their discouragement continues.

with EU Law<sup>60</sup>. It is inappropriate to disregard international and EU law and to take unfriendly stances towards a fellow EU Member State, even if contrived legal arguments and humanitarian feelings rationalising such conduct can be advanced. The situation is perceived in Cyprus as one of the UK fulfilling private promises to Turkey, like those made by the EU Commission through President Prodi and Mr Verheugen on 15 and 16 January 2004 in Ankara prior to re-commencement of the negotiations on the Plan.

The UK Foreign Office is certainly justified in taking an interest in the welfare of all EU citizens (whatever their ethnic background), but, in doing so, it should do so more sensitively and only by private representations, rather than by seeking to impose measures by strained legal constructions and without giving the lawful Government an opportunity itself to act to remedy any inequalities which may exist.

VII. *What role should the UK play in the continuing process of negotiations between the two Communities on the Island?*

The following suggestions relating to encouraging resumption of negotiations, and rendering any negotiations more susceptible of success, are respectfully made:

- (i) The UK as a Guarantor Power, as a Commonwealth State, as a fellow EU Member State and as a Permanent Member of the Security Council, should continue to do all it can to assist in promoting a peaceful and agreed settlement of the problem confronting Cyprus (a role recommended to it as long ago as 4 March 1964 in conjunction with appointment of a Mediator under SCR 186 (1964), a Resolution frequently reiterated over the years (Cf. SCR 1475 (2003), 14 April 2003).
- (ii) In acting, the UK will need, in light of Greek Cypriot perceptions of recent Foreign Office conduct and earlier Turkish Cypriot perceptions of unfairness, to be particularly sensitive to potential reactions from both Communities. The UK is still characterised as the former Colonial Power and as self-interested in its Bases and in supporting its NATO allies, Turkey and the USA. The UK must be careful not to give further credence to the view that it is partisan. Rather than reverting to taking “a high profile,” as in the days of Lord Hannay, HMG should, as a Permanent Member of the Security Council, encourage the Secretary-General and the Secretariat, to revert to an impartial facilitating role in comprehensive negotiations under the Secretary-General’s continued mandate of good offices in terms of all relevant Security Council Resolutions.
- (iii) HMG should also encourage the new EU Commission President, Mr Barroso, to embark upon a good offices role, with the two international organisations being complementary and not competitive.
- (iv) It is submitted that it would be unwise to recommend (as the Committee did in 1987 in para. 145 (b) of its Report) Guarantor Power talks, because such talks exclude the Republic of Cyprus and the Turkish Cypriots.<sup>61</sup>
- (v) In any discussions that follow, the Foreign Office should cautiously offer ideas for exploration and not seek to impose them, even if the process of negotiation is infuriatingly slow. Anything it suggests must be alert to the significance of symbolism and sensitive in dealing with the desires of the two Cypriot Communities to pursue different aspirations.
- (vi) Whatever the Foreign Office suggests, it should be careful not to associate these with or touch on the Sovereign Base Areas. Their situation is an issue which should be left for discussion, with ultimate resolution of difficulties by the Government of a reunited Cyprus, unless of course issues requiring action by the Government of the Republic of Cyprus should emerge in the interim—as they have continuously done over the last 44 years. Such normal relationships should be maintained as cordially as circumstances permit.
- (vii) Preceding any settlement negotiations, various interim measures will assist in creating a proper negotiating climate. A significant contribution can be made in the security sphere. The UK, as a Power with good relations with her NATO ally Turkey, should be able to persuade Turkey that:

<sup>60</sup> It will take some time for the new arrangements to function smoothly in practice and for individual Turkish Cypriots who have long advocated “independence” to accommodate their feelings so that they make use of the relevant facilities. Likewise, Cyprus officials, for many years overly apprehensive about risk of “recognition” in anything they did, will take time in operating the new arrangements not to be over-cautious. The subordinate local administration and its “Prime Minister,” Mr Talat, however, consider that provision of facilities by the Cyprus Government is the wrong methodology and that there should be entirely “independent” Turkish Cypriot arrangements without any Cyprus Government authorisation or involvement.

<sup>61</sup> Greek Cypriots have not forgotten that at the Geneva Talks in late July 1974, the Guarantor Powers signed a Declaration on 30 July 1974 (HMSO. Misc No 30 (1974) Cmnd 5712, noting “the existence in practice of two autonomous administrations, that of the Greek Cypriot community and that of the Turkish Cypriot community”. This phraseology had been inserted at Turkey’s insistence. It did not accurately describe the situation: Mr Clerides had become Acting President of Cyprus. The “administration” of Turkish Cypriots was subsequently created by Turkey in September 1974, later being converted, under her directions, into a “federated State” on 13 February 1975. On 14 February the UK Minister of Foreign Affairs, Dr Owen, stated that so far as concerns HMG, “There is only one legitimate Republic of Cyprus and there is only one Government”. The Geneva Declaration is one of the bases on which the “TRNC” has argued that it was an independent State.

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- (a) a Cyprus settlement should be guaranteed by an international military and police force, and that the two States which have intervened in Cyprus (Greece and Turkey) should not be involved in such a force—neither should the UK, which is a Guarantor Power and one with interests and large forces of her own in Cyprus;
  - (b) Interim substantial reductions of Turkish forces should be made by the Government of Turkey (such a recommendation was made in the Committee’s 7 May 1987 Third Report, in para 145).
  - (c) their military authorities in Cyprus should, using UNFICYP’s good offices, directly engage in discussions with the military authorities “of the other side” to agree on the package of confidence-building measures for the reduction of tension along the ceasefire lines as set forth by UNFICYP and reflected in SC Resolutions until SCR 1251, (1999), all sponsored and drafted by the Foreign Office, calling for such measures. It should be noted that the Government of Cyprus, although it earlier did little about agreeing to such measures, has, since the referenda, put forward proposals largely based on UNFICYP’s original proposals. The present period constitutes a “lull” which permits the taking of confidence-building measures in the security sphere of a kind certain to have positive effects in both the short and the longer terms.
- (viii) Another important interim contribution, which will also be restorative of rights, could be made by the Security Council upon UK encouragement. This would be the taking up again of the humanitarian arrangements made by Mr Clerides and Mr Denktashh at Vienna in August 1975. These are known as the Vienna III arrangements. Despite many Secretary-General’s Reports (endorsed by the Security Council) they have not been implemented in the occupied area.<sup>62</sup> The full implementation of those arrangements will do much to restore confidence by facilitating the possibility for Greek Cypriots in the Karpas area to lead a normal life, with facilities for education, health and religious observance. If this proved possible, it will be a foretaste of the good faith a future Turkish Cypriot constituent State would show in facilitating return of Greek Cypriot displaced persons to their homes in such constituent state, dispelling fears that it will be practically impossible for Greek Cypriots to live there.
  - (ix) The UK should tactfully emphasise to its Government that the Turkish settler problem must not be exacerbated by further Turkish settlement in Cyprus and that Turkey, as the responsible State, will have to take measures—possibly with EU financial aid—for repatriation of persons encouraged to come to Cyprus in violation of the Fourth Geneva Convention (to which both the UK and Turkey are signatories, as are other EU States).
  - (x) In association with the preceding suggestion, HMG should urge upon Turkey and her subordinate local administration that the Council of Europe’s Population Committee should be invited to conduct a census of the population of the whole of the Island in co-operation with the authorities concerned in order to replace population estimates with credible data.<sup>63</sup>
  - (xi) The UK should, again tactfully, cease to condone delay or make excuses at the Committee of Ministers of the Council of Europe for Turkey’s failure to take remedial measures in cases where the European Court of Human Rights has found violations of human rights by Turkey. Instead it should encourage the Turkish Government to consider with its subordinate local administration commencement of schemes to provide alternative accommodation for Turkish Cypriots currently occupying Greek Cypriot-owned property, with such schemes being constructed with the negotiated consent of the Republic of Cyprus on State-owned land (of which there is a great deal in Cyprus) or on land acquired by purchase from individuals including the Church of Cyprus, with good offices of the Government of Cyprus being employed to make arrangements possible and lawful.
  - (xii) In parallel, the Government of the Republic of Cyprus should be encouraged to take measures to ensure that expropriated property formerly owned by Turkish Cypriots is paid for; that use of requisitioned Turkish Cypriot-owned property is compensated by fair rents by occupiers or by the State; and that the conditions for restoration of requisitioned Turkish Cypriot property to its owners are modified, so that vacant property is immediately returned to Turkish Cypriots once they establish their ownership. Human rights to non-interference with possessions must apply throughout Cyprus, not only because of Cyprus’s obligations under Article 23 of the 1960

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<sup>62</sup> Turkish Cypriot politicians and authors describe these arrangements as “The Exchange of Populations Agreement,” and rely on them to refuse to permit dispossessed Greek Cypriots to return to their homes. The arrangements could not lawfully have effected a population exchange and did not purport to do. The movement of some individuals, especially Turkish Cypriot families from Paphos, was agreed upon threat on 1 August 1975 by Mr Denktashh of a third Turkish invasion phase—this is evidenced in UN minutes in the writer’s possession.

<sup>63</sup> Such a recommendation was made by the Parliamentary Assembly on 7 October 1992 (Rec 1197 (1992)) following the Report on the Demographic Structure of the Cypriot Communities by Mr A Cuco and was again made on 24 June 2003 (Rec 1608 (2003)) following a report by Mr Laakso, Rapporteur of the Committee on Migration, Refugees and Demography. Both Communities have challenged figures of settlers in Cyprus.

Constitution, Protocol 1 to the European Convention and the UN Declaration of Human Rights, but also because these are parts of the general principles of EU Law—about which Greek Cypriots feel so strongly. If financial assistance is needed to meet compensation liabilities, whether of Turkey or of the Republic of Cyprus, international financial institutions should be encouraged to make the necessary funds available at affordable rates.

- (xiii) Just as the Foreign Office should make quiet representations about observance of Article 1 of Protocol of the European Convention to Turkey, it should make similar recommendations to the Government of Cyprus on the wisdom and need to enact measures to terminate violation of Article 3 of Protocol No.1 (right to free elections) and Article 14 of the Convention (prohibition of discrimination). In *Aziz v Cyprus*, Application No 69949/01, the European Court of Human Rights decided, on 22 June 2004, that the lack of legislation to resolve the resulting problems concerning Cyprus elections, occasioned by the continuing Turkish occupation for 30 years of northern Cyprus, had completely deprived the applicant, a member of the Turkish Cypriot Community living in the Government-controlled area, of any opportunity to express his opinion in the choice of members of the House of Representatives of the country of which he was a national and where he had always lived. This was because the Electoral Law provided only for a roll of Greek Cypriot electors. The enactment of legislation by the Republic's House of Representatives to afford such an opportunity for voter participation without discrimination, and also to render Turkish Cypriot candidates eligible for election to the House, will create goodwill and evidence Greek Cypriot sincerity in seeking a non-discriminatory society.
- (xiv) So far as is possible, interim trade-off arrangements on “territorial issues” for other benefits for Turkish Cypriots should also be encouraged. This would not discourage an overall settlement, but would be steps towards one. Examples of possible linked arrangements benefiting both sides are: the re-opening of Varosha to its lawful inhabitants and Famagusta Port;<sup>64</sup> co-ordinated development of a new Morphou as alternative accommodation for Turkish Cypriots and a re-developed old Morphou town to which Greek Cypriots home-owners could return; continued redrawing of the ceasefire lines combined with permission for agricultural, building and housing development in the buffer zone, preceded by comprehensive de-mining; ingenuity should be turned away from devising ways around human rights to devising constructive proposals for inter-community co-operative projects etc. It might be best of all if suggestions of this kind were ultimately made by Cypriot parties as their own, with their own proposed modifications of any concept: they will be more acceptable than those of “foreigners”.
- (xv) All suggestions need be made in private representations by sympathetic persons, whether they are UK or EU personnel or NGO representatives with financial backing, to the relevant Governments. Megaphone diplomacy is doomed to failure in Cyprus. If progress is made on these fronts, as well as in the EU context, there will be major changes in the Cyprus climate, which will facilitate compromise and will result in some of the complex issues on which the sides need to agree tentatively being resolved in part. There was, however, one useful “megaphone-type” suggestion made in the Committee's 1987 Report, namely, that the Government of Turkey should be encouraged to make an unequivocal statement that it had no claim on the territory of Cyprus and would firmly reject any aspirations towards the union of all or part of Cyprus with Turkey (para 145). The Committee should repeat this 1987 recommendation.
- (xvi) The various Departments of the Foreign Office, if they have not co-ordinated their Cyprus policy—including with the Ministry of Defence—should do so and should consider whether the advocacy in regional and international institutions of policies which are perceived as partisan (whatever may be their motives) is advisable. In that connection, they should consider whether the UK's recent policy advocacy in EU fora is likely to have unintended effects in consolidating divisions between Greek and Turkish Cypriots and in encouraging those Turkish Cypriot politicians who wish to see an “operationally recognised” or “operationally independent TRNC,”—a concept on which some of them have been seeking legal advice.<sup>65</sup>

*Dr Claire Palley*

*13 September 2004*

<sup>64</sup> Neither should be regarded as a “trump card” only to be played in comprehensive negotiations.

<sup>65</sup> Concepts in the Cyprus dispute have provoked years of fruitless debate, accompanied by hopes that the concept, by virtue of tolerant nods to it by third States, will ultimately lead to two independent States in Cyprus. “Operational recognition” in the commercial sphere along the lines of a Taiwan-type model, will certainly have the effect of preventing an agreed Cyprus settlement. If the Foreign Office supports such a policy, it can only be inferred that it prefers “a divided Cyprus” indefinitely, or until such time as Turkey actually becomes an EU Member State, say in 15–20 years' time. It is submitted that the Committee should firmly recommend rejection of such a policy which is in conflict with the UK's Treaty-obligations, and which will assist in continuing the human rights violations still occurring in the Turkish occupied area.

**Written evidence submitted by the Deputy Prime Ministry and Ministry of Foreign Affairs  
of the Turkish Republic of Northern Cyprus**

On behalf of Deputy Prime Ministry and Ministry of Foreign Affairs of the Turkish Republic of Northern Cyprus, I have the honour to convey the attached Memorandum on the Cyprus issue in the hope of assisting the Committee in its inquiry into the UK policy towards Cyprus.

**MEMORANDUM ON THE CYPRUS ISSUE**

1. The Cyprus issue has been on the agenda of the UN Security Council for over 40 years, and since 1968 the two sides have been negotiating, on and off, in order to reach a settlement. Consequently for over four decades the Turkish Cypriots awaited a just and viable solution which would put an end to their unjust and inhuman isolation on their economic, social, cultural and political life and looked forward to the day their ex-partners would finally realize that the island of Cyprus was the common home of the Turkish and Greek Cypriots alike who should share and have an equal say over its destiny.

2. Well aware of the fact that a peaceful future for the younger generations could not be held prisoner to the tragic experiences of the past, the Turkish Cypriots never lost their will or determination for a durable solution which would ensure that history would not repeat itself. It was upon the initiative of the Turkish side that the UN Secretary-General invited parties to New York on 10 February 2004 to resume the negotiations on the basis of a draft comprehensive settlement plan, and that an agreement could be reached on 13 February to resume negotiations to achieve a comprehensive settlement through separate and simultaneous referenda before 1 May 2004. It was in the same spirit that the Turkish Cypriot side participated at the UN sponsored negotiations aimed at the establishment of a new partnership based on the sovereign equality of the two ex-partners.

3. The determination of the international community for a solution yielded its result and the last four and a half years efforts' of the parties under the auspices of the UN, produced the "Annan Plan", which was submitted to the approval of the two sides by separate referenda, leaving no room for any political or tactical maneuvers.

4. The first phase of negotiations between the parties leading to the Annan Plan was conducted on the Island, where only small progress achieved, due to the Greek Cypriot attitude. The second and third phases were conducted in Bürgenstock, Switzerland. During the final round, on 31 March 2004, the UN Secretary-General, in accordance with the agreed procedure, finalized the plan on the comprehensive settlement of the Cyprus problem in close consultation with the two parties in Cyprus and with Greece and Turkey.

5. The EU Commission was also present at the final stage of negotiations in Switzerland and the EU commitment with regard to comprehensive settlement were agreed upon between the parties and the EU Commission. The European Union had repeatedly expressed its strong preference for the accession of a reunited Cyprus and its support to the good offices mission of the UN Secretary-General and had made specific commitments to encourage and promote such an outcome.

6. At the closing of the Cyprus talks in Bürgenstock on 31 March 2004, the UN Secretary-General submitted the final version of the Annan Plan to the approval of the two parties with these remarks: "The choice is not between a settlement plan and some other magical or mythical solution. In reality, at this stage, the choice is between this settlement and no settlement. There have been too many missed opportunities in the past. For the sake of all of you and your people, I urge you not to make the same mistake again."

7. Separate simultaneous referenda were held on 24 April 2004 in the island. The plan was approved in the Turkish Cypriot referendum by 65% of the votes, whereas 76% of the Greek Cypriot people overwhelmingly rejected the plan as called for by the Greek Cypriot leader, Mr Tassos Papadopoulos, in an address on 7 April 2004, where he demanded a "resounding no" to the Annan Plan from the Greek Cypriots. The rejectionist approach by the G/C leadership caused wide-spread reaction from the international community, including the UN Secretary-General and EU officials. The tactics used by the Greek Cypriot regime to solicit a "No" vote were also criticized as they amounted to undemocratic methods.

8. The Greek Cypriot leadership launched a campaign following the referenda in order to explain why the Greek Cypriots voted against the Plan. The rationale and arguments used in that explanation were regarded as being baseless by the international community. In fact the UN Secretary General Mr Annan, in his letter of 15 June 2004, addressed to Greek Cypriot leader, took a different view from the latter and emphasized that he did not share the Greek Cypriot leader's characterization of the conduct of the effort by the UN.

9. Following the referendum on 24 April 2004, the Cyprus issue has taken a new turn and a new state of affairs has emerged.

10. It is true that the Annan Plan did not satisfy all the demands and needs of the Turkish Cypriot people. A very long list of why the plan should have been rejected exists in the minds of each and every Turkish Cypriot, let alone the leadership. However, having paid a dear price for protecting their vested rights and vital interests, the Turkish Cypriot people are well aware of the fact that a durable solution also has its price and requires a good deal of compromise. Moreover, the Plan was considered to be carefully balanced, and a product of a compromise.

11. The results of the referendum have clearly demonstrated, once again, that the island has two owners and it is the Turkish Cypriot side which sincerely wants a settlement of the Cyprus issue based on the principles of partnership, bi-zonality and the political equality of the two peoples. These are the main parameters for a solution of the Cyprus issue, reaffirmed by various Security Council resolutions and developed over the years through the decades-long negotiation process, under the auspices of the UN.

12. The separate simultaneous referenda also confirmed the fact that there exist two separate peoples on the island, neither of which represents the other. Consequently it would be an untenable claim that there is a single authority to represent the whole island, disregarding the reality that any solution in Cyprus requires the consent of both sides and both peoples.

13. Such a strong “no” in the Greek Cypriot side, on the other hand, proved, beyond any doubt, that the Greek Cypriot side shall not be ready to enter into a power-sharing arrangement with the Turkish Cypriots, but instead continue to enjoy the benefits of the title of the “Republic of Cyprus” which they had usurped through force of arms in December 1963. In fact, the UN Secretary-General also underlined this fact in his report to the Security Council (S/2004/437) with the following words: “If the Greek Cypriots are ready to share power and prosperity with the Turkish Cypriots in a federal structure based on political equality, this needs to be demonstrated, not just by word, but by action” (para 86).

14. The Greek Cypriot side, over the years, based its arguments on the principle of the doctrine of necessity. However, the doctrine of necessity could not be relied upon to justify the laws of a government which had itself dismantled the Constitution, violated international agreements, and wrecked the bi-communal set-up, as a result of which an exclusively Greek Cypriot administration came into being.

15. The April 2004 referenda have shown which side is for a solution that encompasses reunification and peace, and which side is not. The Greek Cypriot side can no longer use the doctrine of necessity against the Turkish Cypriots since it was the Greek Cypriot leadership and ultimately the Greek Cypriot people which blocked a comprehensive settlement on the island, thus returning to “normal conditions”. It is pertinent to recall that the comprehensive settlement plan that was rejected by the Greek Cypriots, was in fact a product of the Greek Cypriots.<sup>66</sup>

16. Since it was approved in the Turkish Cypriot referendum but not in the Greek Cypriot referendum, the Foundation Agreement did not enter into force and the Annan Plan became “null and void” as stipulated by its provisions.

17. The Turkish Cypriot people had their final word by saying “yes” to the Annan Plan. The Annan Plan is no longer subject to further negotiation for any amendment. For this reason, any initiative by the Greek Cypriot side or any other third party to make amendments to the Annan Plan is not acceptable on the part of Turkish Cypriots.

18. Throughout the period of negotiation of the Annan Plan and all its predecessors, and for a period of more than forty years, the Turkish Cypriots have been subjected to physical and economic deprivation and debilitating uncertainty and it is time to put an end to this.

19. The question now is whether the world shall close a blind eye to the striking reality and allow the Greek Cypriots who opted for no solution to continue pretending that they represent the whole island or honour the Turkish Cypriots with their vested rights to speak and act for themselves through their separate will which they used towards the unification of the island.

20. The UN Secretary-General’s answer was amply clear in his statement of 24 April 2004. Applauding the Turkish Cypriots who approved the plan notwithstanding the significant sacrifices that it entailed for many of them, the Secretary-General regretted that “the Turkish Cypriots will not equally enjoy the benefits of EU membership as of 1 May 2004” but he hoped that “way will be found to ease the plight in which the people find themselves through no fault of their own.”

21. Mr Annan’s disappointment was reflected in his Report on his Mission of Good Offices in Cyprus, dated 2 June 2004, where he stated “the rejection of such a plan by the Greek Cypriot electorate is a major setback. What was rejected was the solution itself rather than a mere blueprint.”

22. The UN Secretary General also praised the Government of Turkey, which enabled this new effort, for demonstrating its readiness and determination to abide by its commitments under the plan and fully implement a settlement. In Paragraph 78 of his Report he stated: “I appreciated the strong support of the Turkish Government, from the top down, for my efforts.”

23. Besides the UN Secretary General<sup>67</sup>, numerous international organizations, as well as dignitaries applauded the Turkish Cypriot people’s affirmative vote and, in the light of the understanding that ways and means should be found to end the isolation of the Turkish Cypriots, they called for the immediate

<sup>66</sup> “Parts of the plan were put together by the UN. But all of its key concepts emerged out of four years of negotiations among your leaders. And most of its 9,000 pages were drafted by hundreds of Greek Cypriots and Turkish Cypriots.” (Secretary-General’s video message, 21 April 2004).

<sup>67</sup> The UN Secretary General, HE Mr Kofi Annan’s call to the member states in his report on his Mission of Good Offices in Cyprus, dated 2 June 2004, to the effect that “the Turkish Cypriot vote has undone any rationale for pressuring and isolating them. I would hope that the members of the Council can give a strong lead to all states to cooperate both bilaterally and in international bodies, to eliminate unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development.”



restoration of their direct political, economic, trade and cultural activities internationally without any restriction. The injustice towards the Turkish Cypriots should now come to an end. The Turkish Cypriots can no longer be left in the cold.<sup>68</sup>

24. The rejection by the Greek Cypriots of the UN plan was deeply regretted by the international community, since a unique opportunity has been missed and only the Greek Cypriot side of the Island was able to join the EU. This caused an anomaly, since the Turkish Cypriots, who said “yes” to reunification of the Island and the EU membership stayed outside the EU, whilst the Greek Cypriot side, which rejected both, joined the EU.

25. Since the EU confirmed at the Helsinki European Council in 1999 that a settlement to the Cyprus issue is not a pre-condition for accession, the Cyprus issue should not be put as an obstacle in front of Turkey in her bid for EU accession and members of the EU have a responsibility to make sure that Turkey’s EU membership is not held hostage by the Greek Cypriot side.

26. The Turkish Cypriot people only ask for their decades-old unfair punishment to come to an end. The time has come for the international community, in general, and the UK, in particular, as one of the guarantor powers, to take measures to redress the unjust situation arising from the fact that the Greek Cypriot side which rejected the UN plan has become a member of the EU, while the Turkish Cypriot side which has approved the plan not only has remained outside the EU but continues to be subjected to unfair restrictions and isolation. As the UN Secretary-General concluded in his report to the Security-Council, elimination of restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development would be consistent with Security Council resolutions 541 (1983) and 550 (1984).

27. The EU has to play a pivotal role in bringing-up concrete measures to alleviate the sufferings of the Turkish Cypriots. However, despite the call made by the Council of Foreign Ministers on 26 April 2004<sup>69</sup>, and all the promises given to the Turkish Cypriots, this could not yet been realized. The United Kingdom as one of the guarantors in Cyprus and a prominent member of the EU has a special responsibility in to play a leading role completing as soon as possible the package of measures towards putting an end to the isolation of the Turkish Cypriots.

28. The Greek Cypriot side, which astonishingly managed to convince the world of its political will for a solution and portrayed the Turkish Cypriots and Turkey as intransigent through the long process of negotiations, has in fact impeded a solution. As the Greek Cypriot leader publicly admitted<sup>70</sup>, the Greek Cypriot side’s main focus was not to negotiate a solution, but rather to protect its advantageous position. The Greek Cypriot side’s policy of imposing embargoes on much of the Turkish Cypriot’s trade and communications with the outside world cannot contribute to a settlement. Therefore there is a need for more imaginative and constructive policies.

<sup>68</sup> The EU Enlargement Commissioner, Mr Gunter Verhaugen, on 25 April 2004, stated that “what we will seriously consider now is finding a way to end the economic isolation of the Turkish Cypriots.” Mr Verheugen further stressed that “Turkish Cypriots must not be punished because of this result now we have to end the isolation of the North. The commission is ready to take various measures for that aim.”

It is vital to note that similar statements to that effect have also been made by the US Secretary of State, HE Mr Colin Powell, and the Prime Minister of the UK, HE Mr Tony Blair.

HE Mr Tony Blair during his visit to Turkey on 18 May 2004 stated that “I think it is important, as I indicated to the Prime Minister, that we end the isolation of Northern Cyprus. We made it clear we must act now to end the isolation of Northern Cyprus. That means lifting the embargoes in respect to trade, in respect to air travel. There was a very clear commitment given to people if they supported the Annan Plan. They have supported it and we must see that commitments through.”

The British Foreign Secretary HE Mr Jack Straw stated during his meeting with the Turkish Cypriot Prime Minister HE Mr Mehmet Ali Talat on 1 July 2004 that he welcomed Talat’s commitment to the goal of reunification which was affirmed “so unequivocally” by the Turkish Cypriots’ embrace of the Annan Plan in the April 24 referendum.

He also expressed the hope that further steps would be taken by both communities on the island to promote reconciliation and pledged London’s support for EU policies geared towards ending the Turkish Cypriots’ economic isolation.

<sup>69</sup> European Council of Foreign Ministers Conclusion Statement of 26 April 2004:

“The Turkish Cypriot community have expressed their clear desire for a future within the EU. The Council is determined to put an end to the isolation of the Turkish Cypriot Community and to facilitate the reunification of Cyprus by encouraging the economic development of the Turkish Cypriot community. The Council invited the Commission to bring forward comprehensive proposals to this end, with particular emphasis on the economic integration of the island. The Council recommended that the 259 million euro already earmarked for the northern part of Cyprus in the event of a settlement now be used for this purpose.”

<sup>70</sup> As explained by Mr Papadopoulos, Greek Cypriot leader, in his televised address to Greek Cypriot voters before the referenda, on 7 April 2004:

“If the sovereign people reject the Plan by their vote, the Republic of Cyprus will become a full and equal member of the European Union. We would have achieved the strategic goal we have jointly set, ie to upgrade and shield politically the Republic of Cyprus.

The view that this would be the final initiative for the solution of the Cyprus problem constitutes dogmatism and ignorance of the rules of international policy.

Turkey’s accession course will also continue and therefore Ankara would continue to be under continuous monitoring concerning the adoption of the European acquis. International interest for normalisation and peace in our region will continue to exist.

Shall we do away with our internationally recognised state exactly at the very moment it strengthens its political weight with its accession to the European Union?

I call upon you to reject the Annan Plan. I call upon you to say a resounding “NO” on 24 April.”

29. Consequently, it is an undisputable fact that after the referenda the parameters have drastically changed. Therefore, if the international community truly desires to see a comprehensive settlement in Cyprus, it has to re-diagnose the Cyprus problem and adopt a fresh approach.

30. As one of the guarantor powers, the UK should not hesitate to be at the forefront of those taking the lead in the international efforts directed towards putting an end to the unjust circumstances in which the Turkish Cypriot people have been living through no fault of their own. Everything possible should be done to facilitate contacts between northern Cyprus and the outside world. Establishing direct flights and sea links with northern part of Cyprus would be a good start to ease the plight of the Turkish Cypriots.

31. The United Kingdom should also firmly oppose the Greek Cypriot claims to be the single authority on the Island, and reject its attempts to take decision on behalf of the Turkish Cypriot people and to perceive the Turkish Cypriots as their subordinate minority. Any claim and attempt by either side to control the whole Island and dominate the other people in its own exclusive interests would be likely to perpetuate the conflict.

Deputy Ministry and Ministry of Foreign Affairs  
Turkish Republic of Northern Cyprus

13 September 2004

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#### **Written evidence submitted by the Turkish Republic of Northern Cyprus, President's Office**

*Letter to the Clerk of the Committee from M Ergün Olgun, Under-Secretary*

Further to your e-mail of 7 October 2004 and the forthcoming FAC visit to Cyprus I am enclosing two papers which you may present to Members of the FAC before they visit the island between 9-11 November 2004.

One of the papers is prepared by the TRNC President Rauf R Denktash and is a short analysis of the Cyprus question and why it has not been solved for the last 40 years. As you will see from the analysis the reason is that for Greek Cypriots the problem was solved when they were treated as the legitimate government following the hi-jacking of the title of the partnership Republic of Cyprus in 1963 in contravention of the rule of law of 1960, of which Great Britain is one of the Guarantors. Ever since, the Greek Cypriot side has been using this title at the expense of the equal Turkish Cypriot partner and will continue to do so unless they are told that they are only the government of Greek Cypriots; that the 1960 partnership Republic is now defunct; and that they cannot in law or in fact represent Turkish Cypriots.

The second paper is prepared by me and outlines the root causes of the Cyprus question, the validity of Greek Cypriot objections to the Annan Plan, and the way forward for settlement.

I thank you for your assistance and remain at your disposal if you require any further information.

*M Ergün Olgun*  
Under-Secretary

12 October 2004

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#### **THE CYPRUS PROBLEM**

##### **WHAT IT IS—HOW CAN IT BE SOLVED?**

Rauf R Denktash

The Cyprus issue has been on the agenda of the UN Security Council for 41 years. Since 1968 the two sides have been negotiating, on and off, in order to reach an agreed settlement but no settlement has been achieved. Turkish Cypriot call for the diagnosis of the problem has fallen on deaf ears and the Greek Cypriot side has been allowed to get away with all that it has done in Cyprus under the hi-jacked title of "the Government of Cyprus".

Consequently for over four decades the Turkish Cypriots awaited a just and viable solution which would put an end to their unjust isolation and inhuman embargoes on their economic, social, cultural and political life and looked forward to the day their ex-partners would finally realize that the island of Cyprus was the common home of the Turkish and Greek Cypriots alike who should share and have an equal say over its destiny.

Well aware of the fact that a peaceful future for the younger generations could not be held prisoner to the tragic experiences of the past, the Turkish Cypriots have never lost their will or determination for a sound solution which would ensure that history would not repeat itself. It was in this spirit that the Turkish Cypriot side has always participated in UN sponsored negotiations aimed at the establishment of a new partnership

based on the sovereign equality of the two ex-partners. What was foreseen, and ostensibly agreed, by both parties with the full support of the UN Secretary General and the Security Council was a bi-zonal, bi-communal settlement, the ground for which was well prepared with the voluntary exchange of population in 1975, but this was never achieved because of the preference by the Greek Cypriot side to keep and maintain the hi-jacked title of the government of Cyprus!

The EU situation was made much worse for the TRNC by the attitude and acts of the EU. It ignored the legal rights of Turkish Cypriots in the Partnership Republic of 1960 and shut its eyes to the glaring fact that Greek Cypriot leaders had destroyed that partnership in order to annex Cyprus to Greece. In complete defiance of the rule of law and the democratic rights of Turkish Cypriots, it accepted Greek Cypriots' application for EU membership as an application by "Cyprus". The EU was also present at the final stage of the UN negotiations in Switzerland. The EU "commitment" with regard to a comprehensive settlement was agreed upon between the parties and the EU Commission. The European Union—which has always refused to treat Turkish Cypriots as an equal party and has defied all the rules of law, has treated the Greek Cypriot side as "the legitimate Government of Cyprus". The EU has repeatedly expressed its strong preference for the accession of a reunited Cyprus, has given its support to the good offices mission of the UN Secretary-General, and has made specific commitments to encourage and promote such an outcome. The Turkish Cypriot point that EU should hold its hand until a final settlement of the problem was ignored. Repeated statements to the effect that Cyprus would be accepted as an EU member, whether there was an agreement or not, fed the intransigence of the Greek Cypriot side.

#### THE ANNAN PLAN

The determination of the international community for a solution yielded its result and the last four and a half years' efforts of the UN produced the Annan Plan which was submitted to the approval of the two sides by separate referenda, leaving no room for any political or tactical maneuvers. But nevertheless Greek Cypriot leader Mr Papadopoulos was able to deceive the world that he was a "YES" voter until the very end when he persuaded 76% of the Greek Cypriot voters to come out with a crushing "NO" vote, he preferred the hijacked title of the Government of Cyprus to a fine and just settlement.

The first phase of negotiations was conducted on the Island, where only small progress was achieved. The second and third phases were conducted respectively in New York and Bürgenstock, Switzerland. During the final round, on 31 March 2004, the UN Secretary-General finalized the plan on the comprehensive settlement of the Cyprus problem to be submitted on each side for approval at separate and simultaneous referenda, in close consultation with the two parties in Cyprus and with Greece and Turkey. The four-power conference agreed to be held as the third round could not take place because of the refusal of the Greek side to sit around a table in terms of equality with the Turkish Cypriot side! Thus a plan on which there had been no agreement by the two sides was decided to be put to the separate votes of the two sides and presumably leave them to fight about it later!

At the end of the Cyprus talks in Bürgenstock on 31 March 2004, the UN Secretary-General submitted the final version of the Annan Plan to the approval of the two parties with the historic remarks: "The choice is not between a settlement plan and some other magical or mythical solution. In reality, at this stage, the choice is between this settlement and no settlement. There have been too many missed opportunities in the past. For the sake of all of you and your people, I urge you not to make the same mistake again."

Even the UN Secretary-General failed to understand that the so-called "lost opportunities", as far as the Greek Cypriot leaders were concerned, were not "lost" at all; always they insisted on keeping and maintaining the hijacked title of "the Government of Cyprus", rather than share power permanently with Turkish Cypriot ex-partners. In other words, they saw no reason to change their century old policy of converting Cyprus into a Greek Cypriot Republic as long as the world at large continued to treat them as "the legitimate Government of Cyprus".

#### THE REFERANDA—APRIL 2004

Separate simultaneous referenda were held on 24 April 2004 in the TRNC and in the Greek Cypriot administration. The plan was approved in the Turkish Cypriot referendum by 65% of the votes whereas 76% of the Greek Cypriot people overwhelmingly rejected the plan as called for by the Greek Cypriot leader, Mr Tassos Papadopoulos. In an address on 7 April 2004, he demanded, and got a "resounding no" to the Annan Plan from the Greek Cypriots. His public statement left no room for doubt that the Greek Cypriot side would not accept any solution which fell short of fully endorsing for good their title of "the Government of Cyprus" which they had hijacked in 1963.

Mr Glafkos Clerides (one of the architects of the Akritas Plan together with Mr Papadopoulos) has clearly stated their true vision on this point:

Greek Cypriot preoccupation

“Just as the Greek Cypriot preoccupation was that Cyprus should be a Greek Cypriot state, with a protected Turkish Cypriot minority, the Turkish preoccupation was to defeat any such effort and to maintain the partnership concept, which in their opinion the Zurich Agreement created between the two communities. The conflict, therefore, was a conflict of principle and for the principle both sides were prepared to go on arguing and even, if need be, to fight, rather than compromise.

The same principle is still in conflict, even today, though a federal solution has been accepted—and though a federation is nothing more than a constitutional partnership of the component states, provinces or cantons which make up the federation.”

(Mr Glafkos Clerides MY DEPOSITION, Vol 3, p 105)

All through my talks with all the Greek Cypriot leaders from 1968 to this day, I have found no evidence, no indication, no sign that they have moved an inch from this original “national objective”. In presenting their case to the world they falsely claim that “the problem started in 1974 with the arrival of Turkey; that it is a question of occupation and the return of Greek Cypriot refugees to their homes”. This is proof enough of their attitude towards their fellow-men, the Turkish Cypriots, who were almost wiped off the map of Cyprus during the 1963–74 period! The Greek Cypriot leader the so-called “President of Cyprus” (!) Mr Tassos Papadopoulos, publicly stated that “not one Turkish Cypriot was killed during 1963–74”! The damning reply given to him by Loucas G Charalambous, a Greek Cypriot journalist in the Greek Cypriot Sunday Mail of 12 September 2004 is worth recording here:

Does the President suffer memory loss?

Opinion

By Loucas G Charalambous

The interviews given by President Papadopoulos have developed into a unique form of self-flagellation, to such a degree that we should be asking what is actually happening. His responses in the interview to the publisher of the United Arab Emirates-based English language newspaper Khaleej Times, Mohammed Galadari, were bizarre and raised several questions.

Here is an excerpt:

Galadari: Turkish Cypriots said that after independence and before the Turkish troops came, within 11 years, lots of massacres occurred. When the Turkish troops came, they saved them from further violence, and if they hadn’t come, all of them might have been killed?

Papadopoulos: They say that and claim that the Turkish troops protected them.

Galadari: The Turkish Cypriots say that Mr Papadopoulos is a hardliner.

Papadopoulos: From the beginning, they were planning for a separation. But, in fact, the Turkish Cypriots were the ones who committed massacres and in 1963 we asked to increase the police patrols, but they refused. From 1963 to 1974, how many Turkish Cypriots were killed? The answer is none.

We should resist the temptation to laugh at this response by the President. The situation might be more serious than what it seems and it would be wrong to laugh at it. I did not have time to read my archives so as to give you a relatively accurate number of Turkish Cypriots (or of Greek Cypriots) who were killed between 1963 and 1974. I will just remind you that during this period, there were bloody clashes in Masoura-Tylliria, in Lefka-Ambelikou, in Trypimeni, in Arsos, in Mari and in Kophinou-Ayios Theodoros.

In Kophinou alone, UNFICYP had counted 22 corpses of Turkish Cypriots by 10am on 15 November, as was reported by Brigadier Michael Harbottle in his book, *The Impartial Soldier*. If my memory serves me well, the total number of Turkish Cypriots killed during this period, either in clashes with the National Guard or in isolated incidents, exceeded 600.

I do not think there is anyone who would consider it wrong to describe the President’s claim that no Turkish Cypriots were killed as a blatant lie. Which leads me to deduce one of two things: either our President is a liar or he is suffering from an illness that causes memory loss. Both theories can be supported by a host of contradictory statements made by Papadopoulos during his presidency. I will cite the most recent example. In an interview published in *Phileleftheros* on 31 July, he served another blatant lie, denying lie had ever said on 15 July 2003, that acceptance of the Annan plan “constitutes acceptance of the fait accompli of the invasion and occupation”.

It certainly does not fall within the remit of this column to investigate and find out what is wrong with the President. It is our right and duty, however, to note the problem and call and invite people who, because of their public position, are burdened with the responsibility of dealing with the situation, to show an interest. House President Christofias, for instance, has no excuse for passively watching what is going on.

Because, whatever the problem is, Papadopoulos is the President of the Republic and the problem has an effect on all of us, irrespective of whether we belong to his circle of supporters or, as in the case of this writer, to the camp of his critics. In the event that the President is facing a serious memory loss problem, there is no shame in the people being informed about it.

At least we, his opponents, would be much less critical of him if we knew that he said these things, not because he underestimates our intelligence or likes to lie, but because he has some problem. After all, we are all people and any one of us could be affected by such a problem at some point.

It is true that the Annan Plan did not satisfy all the demands and needs of the Turkish Cypriot people. A very long list of why the plan should have been rejected exists in the minds of each and every Turkish Cypriot, let alone among the leadership. However, having paid a dear price for protecting their vested rights and vital interests, the Turkish Cypriot people are well aware of the fact that a durable solution also has its price and requires a good deal of compromise.

But the results of the referendum have clearly demonstrated, once again, that the island has two owners, two politically independent and equal peoples each with the separate right of self-determination, and that it is the Turkish Cypriot side which sincerely wants a settlement of the Cyprus issue based on the principles of partnership, bi-zonality and the political equality of the two peoples. Both sides need to accept the right of self-determination, and the fact that one has no right to represent the other, let alone be the government of the other, as confirmed by separate referenda.

#### *Why There Is a Cyprus Problem*

Such a strong “no” on the Greek Cypriot side, proved, beyond any doubt, that neither the Greek Cypriot people, nor their political leaders, nor the church, will ever be ready to enter into a power-sharing arrangement with the Turkish Cypriots on the basis of sovereign equality of both peoples. They prefer instead to continue to enjoy the benefits of the title of the “Republic of Cyprus” which they usurped through force of arms and terrorism in December 1963.

Over the years, the Greek Cypriots have based their arguments on the false allegation that the Turkish Cypriots revolted against the government in 1963. Consequently the Greek Cypriots hastened to declare the Constitution “dead and buried”, thus abrogating all the Constitutional and human rights of the Turkish Cypriots, merely offering their co-partners minority rights in a Greek Cypriot Republic. They trampled on, and “amended” those parts of the Constitution which suited their criminal interests relying on the irrelevant principle of the “doctrine of necessity”. Constitutionally they had no warrant to amend the constitution in the absence of Turkish Cypriot members in the parliament. After the unsuccessful coup by Makarios against the partnership state, the Vice-President, the Turkish Cypriot ministers, and the members of parliament were prevented from attending their duties. Later, the Turkish Cypriot members of parliament were told (in 1965) that they could return only if they agreed to electoral legislation that would have turned them into a minority.

The false allegation by the Greek Cypriot leaders that “Turkish Cypriots withdrew from the government organs” can only fool those who have no idea of the bloody events which unfolded upon Turkish Cypriots in Christmas 1963 and thereafter. (Please see appendix 2, Foreign Press Extracts.) The following passage from the report of the UN Secretary-General shows the stance of the usurpers of power:

“Mr Clerides also stated that the constitutional provisions concerning promulgation of the laws by the President and the Vice-President were no longer applicable. He subsequently stated that in his opinion the Turkish Cypriot members had no legal standing any more in the House.”

(Report of the UN Secretary-General, S/6569, 29 July 1965)

However, the “doctrine of necessity” cannot in law be relied upon to justify “the laws” of a “government” which had itself dismantled the Constitution, violated international agreements, and wrecked the bi-communal constitution, as a result of which an exclusively Greek Cypriot administration came into being. In 1964, in order to stop the violence, the UN Security Council was under pressure to introduce a UN force. To do so it treated the Greek Cypriot Government as if it was the constitutional government of Cyprus. This was a tragic error. Other states followed the UN in recognizing this illegitimate and illegal government. The human and political rights of the Turkish Cypriots, recognized in the 1960 treaties, have been ignored by the international community and must be restored if justice is to be done. International treatment of the Greek Cypriot administration as the legitimate Government of Cyprus for 40 years in complete disregard of facts and the rule of law is the only reason why a settlement has eluded Cyprus.

The Turkish Cypriot side defied the brute force employed against them. Though confined in several enclaves, after having lost 103 villages, the Turkish Cypriots organized themselves around the Vice-President of Cyprus as an administrative body. As stated by Mr Clerides in his memoirs (*My Deposition*, volume 3, pages 236-237) this Administration acquired the status of a mini-state as time went by, while the Greek Cypriot side showed no interest in, or intention of, re-establishing a new partnership. Here is Mr Clerides again:

### Greek Cypriot Aim

(a) Creation and development of the constitutional problem.

The constitutional crisis of the year 1963 disrupted the constitutional order, the continuity, and the partnership status of the two communities, which was created by the Zurich Agreements.

Because of the disruption of constitutional order a peculiar situation was created, by virtue of which the state authority, on the one hand, became under the absolute control of the Greeks, and though the Government was recognised internationally, yet internally Turkish enclaves were created within the territory of the Republic in which at first, an elementary organisation for the purpose of governing the Turkish Cypriots was established, the main characteristic of which was the confusion of military and political powers and functions, and the prevailing of military power.

After the crisis of 1967 (Kopfinou Crisis) the above disruption of constitutional order became more clear and showed tendencies of permanency. Thus in December 1967, the elementary military-political organisation of the Turks in the enclaves developed into a "Temporary Administration" on the basis of a charter, and at the same time the political and military authorities were separated.

In the years that followed a steady, stage by stage development is noted in the Turkish Administration, with the separation in its legislative, executive and judicial powers. An administrative organisation is created, as well as police force and an army. The increase of the financial resources of the Turkish Cypriots through economic aid from Turkey permitted the functioning of their administration on a more permanent basis, a fact which they made clear, by renaming their "Temporary Turkish Cypriot Administration" to "Turkish Cypriot Administration". Thus there exist today in Cyprus two poles of power on a separate geographical basis ie the Government of the Cyprus Republic, controlling the largest section of the territory of the state and internationally recognised, and the Turkish Cypriot Administration, which controls a very limited area and is not internationally recognised, but has already taken almost all the characteristics of a small state.

From the above the conclusion can be drawn that our top priority and target must be the dissolution of the Turkish enclaves for the sake of securing the unity of the island.

Here of course Mr Clerides forgets why and how "the Cyprus Problem" was created by his side under the leadership of Archbishop Makarios; how he himself took part in the notorious Akritas Plan, and was well aware that there was no "rebellion by the Turkish Cypriots against the government of Cyprus" (as they advocated and propagated for years). The Greek Cypriot side knew that an unsuccessful coup had been waged against the partnership state by Makarios, but they offered no redress, no apology, no confession of the crimes committed, no compensation for the destruction of 103 villages and 107 mosques—the vision of a Hellenist union with Greece was enough to justify these crimes against humanity!

At last a courageous Greek Cypriot journalist has this to say on these events:

#### The Coup of 1974 (Against Makarios) is a Consequence of the Akritas Plan

"The Democrats (Disi Party) avoid mentioning that the first coup was planned and implemented according to the notorious Akritas Plan. The Akritas Plan which was published on 21 April 1966 and the first coup, which was implemented in accordance with this plan, was prepared by Makarios III. In the preparation of this conspiratorial coup Makarios was assisted by his collaborators. The objective of this conspiracy was to destroy the constitutional order by the use of force. I must admit that had I been, at the time, one of the proponents of the Akritas Plan, I would still have criticized it: When coups are successful, they become a "Revolution"; it is when they are unsuccessful that they are branded as coups. Had the coup planned in conformity with the Akritas Plan been successful we would be exalting it today. The Akritas Plan was not simply a failure, it also led the way to partition.

But whilst everybody is talking freely about the coup of 1974, no one dares speak about the coup which was a consequence of the Akritas Plan. Any one daring to do so runs the risk of being muffled. However in self criticism of ourselves, we have to accept that the Akritas Plan not only did open the way to partition of the island but it also caused the collapse of the (1960) Republic of Cyprus. Refraining from self criticism will not enable us to save ourselves. Furthermore we shall not be able to avoid de-facto partition. Let us not forget that even the Financial Times is currently describing partition as "probably the best solution".

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Organ of the Democratic Rally Party (DISY)

Civility Begins

The Easy and the Difficult Condemnations of Crimes

The Pros and Cons

As I wrote yesterday it is quite easy for one to condemn the crimes committed by others and in so doing one does not usually run the risk of being victimized. Thus, for years now we have all been condemning in the comfort of our house the barbarities of others . . . and (in spite of the condemnations) the crimes and barbarities continue.

From the moment we are not prepared to condemn the crimes and barbarities committed by ourselves, or by those with whom we have identified ourselves, in my opinion, a condemnation has no practical significance. But one does not require special courage to condemn the crimes of others. But to condemn one's own crime one has to have a lot of courage.

The clamour after the massacre at Mai Lai during the Vietnam War had practical result because it was emanating from the Americans themselves, because they were condemning a crime of their own making; and because of this Mai Lai forced many Americans to abandon their apathy and to ask their government to put an end to the war in Vietnam.

The condemnation of the Soviet invasion of Afghanistan and the massacre in Kerala does not certainly require any courage on our part. It would, however have special significance if "Haravgi"(1) would condemn these crimes. But if an AKEL(2) member were to condemn these Soviet crimes in his own name that would be a courageous act.

On this occasion the stand of Andrei Zacharoff was indeed courageous, who by condemning the invasion of Afghanistan, a crime of the making of his own country, knew full well that he would have to face the consequences.

As it is well known due to the condemnation of the invasion of Afghanistan Zacharoff was banished to Gorki.

When in 1964 and later on, after the eruption of intercommunal disturbances, when massacres took place in Ayios Vasilios and elsewhere, there was no word of condemnation heard from amongst our community. No one of us, not excluding myself, had the courage and did not feel the necessity to condemn those crimes committed by ourselves. Up to the present time no one on our side has condemned those massacres. And I surmise at times if we had the courage then to condemn those crimes, probably the development of events in Cyprus would have been difficult . . . . . and so on . . . .

Alekos Constantinides, "Simerini" (Greek Cypriot Daily), 22 September 1982

(1) "HARAVGI": A left wing Greek Cypriot Daily

(2) AKEL: Political organization of left wing Greek Cypriots

The April 2004 referendum have shown which side is for a solution that encompasses reunification and peace and which side is not. The Greek Cypriot people can no longer use the doctrine of necessity against the Turkish Cypriots since it was the Greek Cypriot leadership and the Greek Cypriot people which blocked a comprehensive settlement on the island, thus preventing a return to "normal conditions".

It is the view of the Turkish Cypriots that the international world should no longer tolerate the use of the title of the "Government of Cyprus" by the Greek Cypriot side. It is this tolerance which encourages Greek Cypriot side to continue on its illegal path rather than settle the problem.

Throughout the period of negotiations of the Annan Plan and all its predecessors, and for a period of more than 40 years, the Turkish Cypriots have been subjected to physical and economic deprivation and debilitating uncertainty and it is time to put an end to this.

The Turkish Cypriot "YES" and Greek Cypriot "NO" votes in the referenda, as stated in the plan, have resulted in the Foundation Agreement not entering into force, and thus the Annan Plan has become "null and void"!

The Turkish Cypriot people, who had been offered the paradise of EU membership, plus recognition of their state, had their final word by saying "yes" to the Annan Plan. Having been completed as a process, the Annan Plan is no longer subject to further negotiation or any amendment. For this reason, any initiative by the Greek Cypriot side, or any other third party, to make amendments to the Annan Plan is not acceptable to Turkish Cypriots.

The question now is will the world close its eyes to stark reality and allow the Greek Cypriots, who opted for no solution, to continue pretending that they represent the whole island? Will they honour the Turkish Cypriots' vested right to speak and act for themselves through their separate political will, which they used to further the unification of the island? For the EU to contend that the Turkish Cypriots can neither speak for themselves, nor represent North Cyprus would be a further disregard of the democratic principles that one cannot be represented by any body or institution in whose election one had no say. In the case of Cyprus,

the Republic that the Greek Cypriot side pretends to represent had two co-founder partners, who elected their representatives separately. That is an additional reason for denying treating the Greek Cypriot Administration as the legitimate Government of Cyprus with authority to speak for the Turkish Cypriots and for the whole island!

In his clear statement of 24 April 2004, The UN Secretary-General applauded the Turkish Cypriots' approval of the plan notwithstanding the significant sacrifices that it entailed for many of them. The Secretary-General regretted that "the Turkish Cypriots will not equally enjoy the benefits of EU membership as of 1 May 2004", but he hoped that "ways will be found to ease the plight in which the people find themselves through no fault of their own."

Mr Annan's disappointment was also reflected in his Report on his Mission of Good Offices in Cyprus, dated 2 June 2004, where he stated "the rejection of such a plan by the Greek electorate is a major setback. What was rejected was the solution itself rather than a mere blueprint."

He further stated that "if the Greek Cypriots are ready to share power and prosperity with the Turkish Cypriots in a federal structure based on political equality, this needs to be demonstrated, not just by word, but by action."

In paragraph 89 of his Report Mr Annan emphasized that "in the aftermath of the vote, the situation of the Turkish Cypriots calls for the attention of the international community as a whole, including the Security Council."

#### THE SITUATION NOW

Following the referendum on 24 April 2004, the Cyprus issue has taken a new turn and a new state of affairs has emerged.

The fact is that the Turkish Cypriots have certainly done their part and it is simply not fair to penalize them any longer, is also clearly reflected by the UN Secretary-General Kofi Annan on 28 April 2004 where he stated: "I salute the Turkish Cypriots for their courageous vote in favour of the proposals. We must all do our best to see that they are not penalized for the way the vote went in the other part of the island."

The UN Secretary General similarly praised the Government of Turkey, which enabled this new effort, for demonstrating its readiness and determination to abide by its commitments under the plan and fully implement a settlement. In Paragraph 78 of his report he stated: "I appreciated the strong support of the Turkish Government, from the top down, for my efforts."

Since the EU confirmed at the Helsinki European council in 1999 that a settlement to the Cyprus issue was not a pre-condition for accession, the Cyprus issue should not be put as an obstacle in front of Turkey in her bid for EU accession; members of the EU have a responsibility to make sure that Turkey's EU membership is not held hostage by the Greek Cypriot side.

The EU Enlargement Commissioner, Mr Günther Verheugen, on 25 April 2004, stated that "what we will seriously consider now is finding a way to end the economic isolation of the Turkish Cypriots." Mr Verheugen further stressed that "Turkish Cypriots must not be punished because of this result . . . now we have to end the isolation of the North. The Commission is ready to take various measures for that aim."

It is vital to note that similar statements to that effect have also been made by the US Secretary of State, Mr Colin Powell, and the Prime Minister of the UK, Mr Tony Blair.

Mr Tony Blair during his visit to Turkey on 18 May 2004 stated that "I think it is important, as I indicated to the Prime Minister, that we end the isolation of Northern Cyprus . . . We made it clear we must act now to end the isolation of Northern Cyprus. That means lifting the embargoes in respect to trade, in respect to air travel . . . There was a very clear commitment given to people if they supported the Annan Plan. They have supported it and we must see that commitments through."

The British Foreign Secretary Mr Jack Straw stated during his meeting with the Turkish Cypriot Prime Minister Mr Mehmet Ali Talat on 1 July 2004 that he welcomed Talat's commitment to the goal of reunification which was affirmed "so unequivocally" by the Turkish Cypriots' embrace of the Annan Plan in the April 24 referendum.

He also expressed the hope that further steps would be taken by both communities on the island to promote reconciliation, and pledged London's support for EU policies geared towards ending the Turkish Cypriots' economic isolation.

Nothing has happened so far! The Greek Cypriots' leaders, under the cloak of "the Government of Cyprus", are doing their utmost to stall any aid or attempt to remove the embargoes by the European Union.

The Turkish Cypriot people only ask for their decades old unfair punishment to come to an end. The time has come for the international community, in general, and the UK, in particular, as one of the Guarantor Powers, to take measures to redress the unjust situation arising from the fact that the Greek Cypriot side which rejected the UN plan has become a member of the EU under a false title, while the Turkish Cypriot side, which approved the plan, not only has remained outside the EU but continues to be subjected to illegal restrictions and embargoes.



It is high time that the inhuman embargoes imposed upon the Turkish Cypriot people are lifted outright and the undeniable fact is acknowledged that the so-called “Government of the Republic of Cyprus” does not, represent and has no right to, represent the Turkish Cypriot people.

The UN Secretary General, Mr Kofi Annan’s call to the member states, in his Report on his Mission of Good Offices in Cyprus, dated 2 June 2004, is timely and important to declare that “the Turkish Cypriot vote has undone any rationale for pressuring and isolating them. I would hope that the members of the Council can give a strong lead to all states to cooperate both bilaterally and in international bodies, to eliminate unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development.” What “the rationale for pressuring and isolating Turkish Cypriots” is, or ever was, no one has come forward to say.

The Greek Cypriot side, which astonishingly managed to convince the world of its political will for a solution and portrayed the Turkish Cypriots and Turkey as intransigent throughout the long process of negotiations, has in fact impeded a solution. This is because being treated as “the Government of Cyprus” for them is the solution! No one tries to understand this odd phenomenon!

Nevertheless, the EU has accepted the Greek Cypriot side as a full member of the Union as representing the whole island and has, so far, failed to take any concrete steps to end the isolation of the Turkish Cypriot side.

The Turkish Cypriot people expect that the international community, in general, and the EU, in particular, will respond to the call of the UN Secretary General to lift the senseless restrictions and to promote relations in all fields, in particular in transport, trade, tourism, culture, information, investment and sports’ contacts.

It is an undisputable fact that after the referendum the parameters have changed. Therefore, if the international community truly desires to see a comprehensive settlement in Cyprus, it has to re-diagnose the root cause of the Cyprus issue and to adopt a fresh approach that takes into account the realities in the island.

An inter-ethnic struggle has ended in separation. This separation began in 1963 when Turkish Cypriots had to abandon 103 villages and take refuge in enclaves. In 1975, in the Third Vienna Talks, these enclaves, by agreement of the two sides, were consolidated in two areas, the North Zone and South Zone. It was further agreed that the future should be settled in a new partnership (bi-zonal, bi-communal federation). All the talks to that end brought no result because the Greek Cypriot leaders would, and will, not concede that they have no legal or moral right to claim to constitute the Government of the whole island; and that Turkish Cypriots are not and will never be their minority. Unless the family of nations, and especially the EU takes this up with them, why should any one expect a solution of a problem which, from the Greek Cypriot point of view was solved the moment they were treated as “the legitimate Government of Cyprus”? “Legitimacy” bestowed upon the Greek Cypriot side does not arise from the law of the land; it is a title hijacked by destroying all the legitimate legal foundations on which the partnership Republic of Cyprus was established.

Does the international community not have the obligation to re-examine the facts. Will it do so?

As one of the Guarantor Powers, the UK should not hesitate to be among those taking the lead in the international efforts directed towards putting an end to the unjust circumstances in which the Turkish Cypriot people have been living for 40 years through no fault of their own.

The Cyprus problem has to be diagnosed by impartial people. The settlement has to take into account the factual results of this 40 years’ old conflict. Property problems have to be settled through exchange and compensation. The tragic events of the period 1963–74 have to be accounted for, and redress made to the Turkish Cypriots whose self-rule now in its 41st year should be recognized for what it is: the TRNC equal in every respect with the Greek Cypriot administration in the south!

Good neighbourliness can only arise through fair, just and equal treatment of both sides. Confidence can only grow if both sides feel secure in their present status. The claim of one to be the Government of the other has proved to be the impediment to any solution for the last four decades!

Appendix 1—Akritas Plan

Appendix 2—Extracts from the Foreign Press

## Appendix 1

### The Akritas Organisation

On 19 February 1959, the Zurich and London Agreements were signed and the road to the Republic of Cyprus was opened. On 16 August 1960 this new Republic was established. The Greek Cypriot Leader Makarios was elected President and the Turkish Cypriot Leader Dr Fazil Küçük was elected Vice-President.

According to the Constitution seven Greeks and three Turks would be Ministers. As one of the Greek Ministers Makarios chose Polykarpos Yeorgadjis and he became Minister of Interior. He was the EOKA Area chief for Nicosia. Makarios also directed Yeorgadjis to form a secret para-military organisation. The code name “Akritas” was chosen and Yeorgadjis became “Chief Akritas”. For this Organisation he picked

ex-EOKA men loyal to Makarios and Enosis. All party leaders were authorized to form their own militia and they all did. Thus Makarios through his Minister of Interior had become the Commander-in-Chief of a secret army with the aim of destroying “the shackles” on Enosis which the 1960 Agreement had outlawed.

Chief Akritas (Yeorgadjis) set to work in earnest. The President of the House of Representatives Glafkos Clerides, the Minister of Labour Tassos Papadopoulos and Yeorgadjis were the masterminds of this Organisation. Most top ranking Greek Cypriot officials of the Government were its members and supporters. According to Mr Glafkos Clerides, the Organisation started with 500 members all well armed ex-EOKA fighters. Towards the end of 1963 this number rose to 1,800. The arms for this Organisation came from the arms depot of the Cyprus Army and the Police and Gendarmerie Forces, the Greek Cypriot members of which were now working with the Organisation under the same leader, the Minister of Interior Mr Yeorgadjis. With the addition of Greek Contingent and its armoury and the arrival of 20,000 troops from Greece, Turkish Cypriots faced a formidable force. Arms came from Greece and Egypt and some was bought from Czechoslovakia and other neighbouring countries. Most of the arms were under the direct control of Makarios. The training of the members was undertaken by the Greek Mainland Regiment in Cyprus. The leadership was trained in Greece as from the signing of the London Agreement in 1959. EOKA had cast off its uniform and was ostensibly converted into a non-combatant organisation called EDMA whose first task was to give scholarships in Greece, to young EDMA members in military training and education. The Akritas organisation started planning a different future for Cyprus. Apart from military plans a general plan for the extermination of Turkish Cypriots was prepared. This top secret plan, with the name of ‘Akritas Plan’, was first published in the Greek Cypriot newspaper Patris on 21 April 1967, three years after it had been fully and mercilessly implemented and at a time when all Greek Cypriot leaders believed that what they had achieved in Cyprus was irreversible. Indeed Makarios was jubilant in announcing that Cyprus was now Greece . . . The House of Representatives now composed of 100% Greek Cypriots, had already passed a resolution on Enosis. Nothing else could be the “national aim”.

Although both Yeorgadjis and Makarios are dead, this same plan, with certain improvisations, is still being implemented by the Greek Cypriot Leadership.

### **The Akritas Plan**

TOP SECRET

FROM HEADQUARTERS

#### RECENT DEVELOPMENTS

The recent public statements of the Archbishop have prescribed the course which our national issue will follow in the immediate future. As we have stressed in the past, national struggles are neither judged nor solved from day to day, nor is it always possible to fix definite time limits for the achievement of the various stages of their development. Our national cause must always be judged in the light of the conditions and developments of the moment; the measures which will be taken, the tactics and the time of implementing each measure is determined by the conditions existing at the time, both internationally, and internally. The entire effort is trying and must pass through various stages, because the factors which influence the final result are many and varied. It must be understood by everyone that each measure taken is the result of continuous studies and, in the meantime, forms the basis for future measures. It must be recognized that the measures which are prescribed now constitute only the first step, one simple stage towards the final and unalterable national objective, to the full and unfettered exercise of the right of self-determination of the people.

Since the purpose remains unalterable, what remains to be examined is the subject of tactics. This must necessarily be separated as internal and external (international), since in each case both the handling and the presentation of our cause will be different.

#### A. EXTERNAL TACTICS (INTERNATIONAL)

During the recent stages of our national struggle the Cyprus problem has been presented to world public opinion and diplomatic circles as a demand for the exercise of the right of self-determination of the people of Cyprus. In the exercise of this right, the subject of the Turkish minority was introduced under the well-known conditions and with the argument of violent intercommunal clashes, it had been tried to make it accepted that co-existence of the two communities under a united administration was impossible. Finally, for many international circles the problem was solved by the London and Zurich Agreements, a solution which was presented as the result of negotiations and agreement between the contending parties.

- (a) Consequently, our first target has been to cultivate internationally the impression that the Cyprus problem has not really been solved and the solution requires revision.

- (b) First objective was our endeavour to be vindicated as the Greek majority and to create the impression that:
- (i) the solution given is neither satisfactory nor fair;
  - (ii) the agreement reached was not the result of a free and voluntary acceptance of a compromise of the conflicting views;
  - (iii) the revision of the agreements constitutes a compelling necessity for survival, and not an effort of the Greeks to repudiate their signature;
  - (iv) the co-existence of the two communities is possible; and
  - (v) the strong element on which foreign states ought to rely is the Greek majority and not the Turks.
- (c) All the above which required very difficult effort, have been achieved to a satisfactory degree. Most of the diplomatic representatives are already convinced that the solution given was neither fair nor satisfactory, that it was signed under pressure and without real negotiations and that it was imposed under various threats. The fact that the solution has not been ratified by the people, is a significant argument in this connection, because our leadership, acting wisely, avoided calling the people to give its official approval to the agreement by a plebiscite or otherwise, which the people, in the 1959 spirit, would have definitely approved. Generally, it has been established that the administration of Cyprus up to now has been carried out by the Greeks and that the Turks were confined to a negative role and acted as a brake.
- (d) Second objective. The first stage having been completed, we must programme the second stage of our activities and objectives on the international field. In general terms, these objectives can be outlined as follows:
- (i) The efforts of the Greeks are to remove unreasonable and unfair provisions of the administration and not to oppress the Turks.
  - (ii) The removal of these factors of the administration must take place today because tomorrow will be too late.
  - (iii) The removal of these provisions of the administration, although it is reasonable and necessary, is not possible because of the unreasonable attitude of the Turks and therefore, since it is not possible by agreement with the Turks, unilateral action is justified.
  - (iv) The issue of revision is an internal affair of the Cypriots and does not give the right of intervention, by force or otherwise, to anyone.
  - (v) The proposed amendments are reasonable, just, and safeguard the reasonable rights of the minority.
- (e) It has been generally proven that today the international climate is against every type of oppression and especially the oppression of minorities. The Turks have already succeeded in persuading international opinion that union of Cyprus with Greece amounts to an attempt to enslave them. Further, it is judged that we have greater possibilities of succeeding in our efforts to influence international public opinion in our favour if we present our demand, as we did during the struggle, as a demand for exercising the right of self-determination, rather than as a demand for Enosis. However, in order to secure the right to exercise complete and free self-determination, first of all, we must get rid of all those provisions of the Constitution and of the Agreements (Treaty of Guarantee, Treaty of Alliance etc) which obstruct the free and unfettered expression and implementation of the wishes of our people and which may open the way to dangers of external intervention. It is exactly for this reason that the first target of attack has been the Treaty of Guarantee, which was the first that was stated to be no longer recognised by the Greek Cypriots.

When this is achieved no power, legal or moral, can stop us from deciding our future alone and freely and exercising the right of self-determination by a plebiscite.

From the above, the conclusion can be drawn that for the success of our plan a chain of actions and developments is needed, each of which is a necessity and a must, otherwise, future actions will remain legally unjustified and politically unattainable, while at the same time we will expose the people and the country to serious consequences. The actions to be taken can be classified under the following headings:

- (a) Amendment of the negative elements of the Agreements and parallel abandonment in practice of the Treaties of Guarantee and Alliance. This step is necessary because the need for amendments of the negative aspects of the treaties is generally accepted internationally and is considered justified (we can even justify unilateral action), while at the same time external intervention to prevent us amending them is held unjustified and inapplicable.
- (b) After the above actions, the Treaty of Guarantee (the right of intervention) becomes legally and substantially inapplicable.
- (c) Once Cyprus is not bound by the restrictions (of the Treaties of Guarantee and Alliance) regarding the exercise of the right of self-determination, the people will be free to give expression to and implement their desire.

- (d) Legal confrontation by the forces of State (police and even friendly military forces) of every internal or external intervention because then we shall be completely independent.

Therefore the actions from (a) to (d) are absolutely necessary and must be carried out in the above order and in time.

It is therefore obvious that if we hope to have any possibility of success internationally in our above actions, we cannot and must not reveal or declare the various stages of the struggle before the previous one is completed. For instance, if it is accepted that the above four stages are the necessary course, then it is unthinkable to speak of amendments (stage (a)) if stage (d) is revealed. How can it be possible to aim at the amendment of the negative aspects by arguing that this is necessary for the functioning of the State and the Agreements.

The above relate to targets, aims and tactics in the international field. And now on the internal front:

## B. INTERNAL FRONT

The internal actions are judged by the interpretations that will be given to them internationally and by the effects that our actions will have on our national cause.

1. The only danger which could be described as insurmountable is the possibility of external intervention. Not so much because of material damage, nor because of the danger itself (which, in the last analysis, it is possible for us to deal with partly or totally by force), but mainly because of the possible political consequences. If intervention is threatened or implemented before stage (c), then such intervention would be legally debatable, if not justified. This fact has a lot of weight both internationally and in the United Nations. From the history of many recent instances we have learnt that in not a single case of intervention, even when legally unjustified, has either the United Nations or any other power succeeded in evicting the attacker without serious concessions detrimental to the victim. Even in the case of the Israeli attack against Suez, which was condemned by almost all nations and on which Soviet intervention was threatened, Israel withdrew, but received (kept) the port of Eilat on the Red Sea as a concession. Naturally, much more serious dangers exist for Cyprus.

But if we consider and justify our actions under (a) above well, on the one hand the intervention will not be justified and, on the other, we will have every support from the beginning, since by the Treaty of Guarantee, intervention cannot take place before consultations between the Guarantor Powers, that is Britain, Greece and Turkey. It is at this stage of consultations (before intervention) that we need international support. We shall have it if the amendments proposed by us appear reasonable and justifiable.

Hence, the first objective is to avoid intervention by the choice of the amendments we would propose in the first stage.

Tactics: Reasonable Constitutional amendments after efforts for common understanding with the Turks are exhausted. Since common agreement is impossible we shall try to justify unilateral action. At this stage the provisions in (ii) and (iii) of page 21 are applicable in parallel.

2. It is obvious that for intervention to be justified, more serious reasons and a more immediate danger must exist than mere constitutional amendments.

Such reasons could be (a) an immediate declaration of Enosis before stages (a)–(c), (b) serious inter-communal violence which would be presented as massacre of the Turks.

Reason (a) has already been dealt with in the first part and, consequently, only the danger of inter-communal violence remains to be considered. Since we do not intend, without provocation, to massacre or attack Turks, the possibility remains that the Turks, as soon as we proceed to the unilateral amendment of any article of the constitution, will react instinctively, creating incidents and clashes or stage spurious killings, atrocities or bomb attacks on Turks, in order to create the impression that the Greeks have indeed attacked the Turks, in which case intervention would be imperative, for their protection.

Tactics: Our actions for constitutional amendments will be open and we will always appear ready for peaceful talks. Our actions will not be of a provocative or violent nature. Any incidents that may take place will be met, at the beginning, in a legal fashion by the legal Security Forces, according to the plan. All actions will be clothed in legal form.

3. Before the right of unilateral amendments of the constitution is established and is accepted, decisions and actions which require positive violent acts from us, such as the unification of municipalities, must be avoided. Such a decision compels the Government to intervene by force to bring about the unification and seizure of municipal properties, which will probably compel the Turks to react forcefully. Therefore it is easier for us, using legal methods, to amend, for instance, the provision of the 70 to 30 ratio, when it is the Turks who will have to take positive violent action, while for us this procedure will not amount to action, but a refusal to act. The same applies to the issue of the separate majorities with regards to taxation legislation. These measures have already been studied and a series of similar measures have been decided for implementation. Once our right of unilateral amendments to the constitution is established de facto by some such actions, then we shall be able to advance using our judgment and our strength more forcefully.

4. It is, however, naive to believe that it is possible to proceed to substantive acts of amendment of the constitution, as a first step of our general plan, as has been described above, without the Turks attempting to create or to stage violent clashes. Exactly for this reason, the existence and strengthening of our Organisation is imperative because:

- (a) In the event of spontaneous Turkish reactions, if our counter-attacks are not immediate, we run the risk of having panic created among Greeks, particularly in the towns, and thus we run the danger of losing substantial vital areas irreparably, while on the other hand an immediate and timely show of our strength may bring the Turks to their senses and confine their actions to insignificant, isolated acts, and
- (b) In the event of a planned or spurious attack of the Turks, staged or not, it is imperative to overcome it by force in the shortest possible time, because if we succeed in gaining command of the situation in one or two days, no outside intervention would be possible, probable or justifiable.
- (c) In all the above cases, the forceful and decisive confrontation of any Turkish effort will greatly facilitate our subsequent actions for further Constitutional amendments. It would then be possible for unilateral amendments to be made, without any Turkish reaction, because they will know that their reaction will be impossible or seriously harmful for their community, and
- (d) In the event of the clashes becoming widespread and general we must be ready to proceed immediately with the actions described in (a) to (d), including the immediate declaration of Enosis, because then there would be no reason to wait nor room for diplomatic action.

5. At all these stages we should not overlook the factor of propaganda, and to counter the propaganda of those who do not know or cannot be expected to know our plans, as well as of the reactionary elements. It has been shown that our struggle must pass through at least four stages and that we must not reveal our plans and intentions publicly and prematurely. Complete discretion and secrecy is more than a national duty. It is a Vital Necessity for Survival and Success.

This will not deter the reactionaries and the irresponsible demagogues from indulging in an orgy of exploitation of patriotism and provocations. The plan provides them with fertile ground, because it gives them the opportunity to allege that the efforts of the leadership are confined to the objective of constitutional amendments and not to pure national objectives. Our task becomes more difficult because by necessity, and depending on the prevailing circumstances, even the constitutional amendments must be made in stages. However, all this must not draw us into irresponsible demagoguery, street politics or bidding higher in the stakes of nationalism. Our acts will be our most truthful defenders. In any event, because the above task must make substantial progress and yield results long before the next elections, in the relatively short time in between we must show self-restraint and remain cool, for obvious reasons. At the same time, however, we must not only maintain the present unity and discipline of the patriotic forces, but increase it. We can only achieve this by the necessary briefing of our members and through them of our people.

Before everything else we have to expose the true identities of the reactionaries. They are petty and irresponsible demagogues and opportunists, as their recent past has shown. They are negative and aimless reactionaries who fanatically oppose our leadership, but at the same time without offering a substantive and practical solution of their own. In order to promote all our actions we need a steady and strong government until the last moment. These are known as verbalists and sloganists, with pretty words and slogans, but they are unable and unwilling to proceed to concrete acts or to suffer sacrifices. For example, even at the present stage they offer nothing more concrete than recourse to the United Nations, that is, words again without cost to themselves. They must, therefore, be alienated and isolated.

In parallel and at the same time, we shall brief our members about the above plan and intentions, but **ONLY VERBALLY**. Our Sub-headquarters must, in gatherings of our members, analyse and explain fully and continuously the above, until each one of our members understands fully and is in a position to brief others. **NO WRITTEN REPORT IS PERMITTED. THE LOSS OR LEAKAGE OF ANY DOCUMENT ON THE ABOVE AMOUNTS TO HIGH TREASON.** No act can damage our struggle as vitally and decisively as the revealing of the present document or its publication by our opponents.

With the exception of word-of-mouth briefing and guidance, all our other actions, specially publications in the press, resolutions etc, must be very restrained and no mention of the above should be made. Similarly, in public speeches and gatherings, only responsible persons may make, under the personal responsibility of the Chief of Sub-headquarters, references in general terms to the above plan. And this only after the explicit approval of the Chief of Sub-headquarters who will also control the text. Even in this case, **ON NO ACCOUNT ARE REFERENCES TO THESE TEXTS IN THE PRESS OR ANY OTHER PUBLICATION PERMITTED.**

Tactics: All the briefing of our people and of the public **BY WORD OF MOUTH**. We should make every effort to appear as moderates in public. Projection of or reference to our plans in the press or in writing is strictly prohibited. Officials and other responsible persons will continue to brief the people and to raise their morale and fighting spirit, but such briefing excludes making our plans public knowledge by the press or otherwise.

NOTE

This document will be destroyed by fire on the personal responsibility of the Chief of Regional HQ, in the presence of all the General Staff within 10 days from its receipt. Copies in full or in part are prohibited. Members of the staff of the Regional HQ may have the plan on the personal responsibility of the Chief of Regional HQ, but may not take it out of the Regional HQ.

The Chief  
AKRITAS

APPENDIX 2

FOREIGN PRESS ON CYPRUS EXTRACTS

IN THE FORBIDDEN CITY

“We went to-night into the sealed-off Turkish quarter of Nicosia in which 200 to 300 people had been slaughtered in the last five days. We were the first Western reporters there and we have seen sights too frightful to be described in print as horrors so extreme that the people seemed stunned beyond tears and reduced to an hysterical and mirthless giggle that is more terrible than tears.

This much we can tell:

In the Kumsal quarter, at No 2 Irfan Bey Sokağı, we made our way into a house whose floors were covered with broken glass. A child’s bicycle lay in a corner.

In the bathroom, looking like a group of waxworks, were three dead children piled on top of their murdered mother. In a room next to it, we glimpsed the body of a woman shot in the head.

This, we were told, was the home of a Turkish Army Major whose family had been killed by the mob in the first violence. Today was five days later and still they lay there . . .

(Extract from a report by Rene MacColl and Daniel McGeachie, *Daily Express*, 28 December, 1963).

WHY DOES PRESIDENT MAKARIOS PLAY WITH FIRE?

“What does Archbishop Makarios, President of the Republic of Cyprus want? He has said it himself: he wants to repeal the treaty of 1960 according to the terms of which Great Britain, Greece and Turkey guarantee the independence of Cyprus. The fact that a few hours later faced with the violent reaction of Mr Duncan Sandys, he mollified the expression of his thoughts by granting that a unilateral repeal was not in his mind, does not in any way change the essence of the problem. All is happening as if President Makarios had decided, in the words of the editorial of the London Times, to set fire to the powder barrel on which Cypriots are seated. . .”

(Extract from a report by Robert de Geynst, *Le Soir* (of Brussels) 2 January, 1964)

GRAVES OF 12 SHOT TURKS FOUND IN CYPRUS VILLAGE

“Silent crowds gathered to-night outside the Red Crescent hospital in the Turkish sector of Nicosia, as the bodies of nine Turks found crudely buried outside the village of Ayios Vassilios, 13 miles away, were brought to the hospital under an escort of the Parachute Regiment. Three more bodies, including one of a woman, were discovered nearby but they could not be moved.

Turks guarded by paratroops are still trying to locate the bodies of 20 more believed to have been buried on the same site. All are believed to have been killed during fighting around the village at Christinas.

FAMILY OF SEVEN

It is thought that a family of seven Turks who disappeared from the village may be buried there. Their house was found burnt, and grenades had been dropped through the roof. Shallow graves had apparently been hurriedly scooped by a bulldozer. The bodies appeared to have been piled in two or three deep. All had been shot.

One man had his arms still tied behind his legs in a crouching position and had been shot through the head. A stomach injury indicated that a grenade may have been thrown into his lap. . .”

(Extract from a report in *Daily Telegraph* 14 January 1964.)

THEY ARE TURK-HUNTING

“Discussions start in London; in Cyprus, the terror continues. Right now we are witnessing the exodus of the Turks from their villages. Thousands of people abandoning homes, lands, herds; Greek terrorism is relentless. This time, the rhetoric of the Hellenes and the busts of Plato do not suffice to cover up barbaric and ferocious behaviours. At four o’clock in the afternoon, curfew is imposed on the Turkish villages.

Threats, shootings and attempts of arson start as soon as it becomes dark. After the massacre of Christmas that spared neither women, nor children, it is difficult to put up any resistance. British vehicles are shuttling back and forth between the villages and Turkish Cypriot “ghettos”. In Nicosia, an office for the more than 5,000 refugees is operating. On the walls of its rooms hang images depicting Turkish renaissance: a woman draped in a flag, Kemal Atatürk at the head of his victorious troops; and the families of peasants are arriving who require lodgings and food.”

(Extract from a report by Giorgio Bocca, *Il Giorno*, 14 January 1964.)

#### ALL THE PERFUMES OF CYPRUS SHALL NEVER CLEANSE THOSE HANDS

“There are two kinds of assassin. The first, kills alone. His hands are red, therefore he is easily recognized. “Beast” they call him and he is led, somewhat rudely, to the guillotine or to forced labour. The second, remains aloof and watches people assassinate each other. He touches nothing, his hands are clean. Let one indignant witness speak of halting the carnage and white hands will look at him and say, severely, “Look after your own affairs”. And he will put out his foot to trip him up. Only this second kind of assassination is worthy of consideration as a fine art.

Monsignor Makarios is a great artist. Each time that I see him on TV or in a newspaper, I admire his fine hands made for benediction and for prayer, his handsome looks sheltered by tabernacle-like eyelids barely allow the penetration of suave insensibility. Monsignor Makarios belongs more to the “Heavens” than to the earth, that is clearly visible. That is why he permits the Greeks to carry on the butchery in Cyprus. NATO wants to stop the bloodshed? “Halt. I am against it. In the holy name of our independence”. The United Nations, then. “I agree, but be patient. We have time”. Is not one master in his own home? And it is after all, a few corpses gained.

Mark you, Monsignor Makarios is Greek and Christian. The Greeks are fighting the Turks, 10 against one. In simple arithmetic, this must add up to nine corpses of infidels—men, women, children, it matters little—for one chosen of the good cause. Hence, the holy gaiety, at times irrepressible, of Monsignor. Last Saturday he was seen receiving journalists and laughing his head off during a whole minute. That day the corpses of the massacred Turks were piled up at the other edge of the Island.

Journalists know well the customs. They saluted Monsignor Makarios according to orthodoxy as “Your Beatitude”. His Beatitude, sanctimoniously, was beaming. Here is a man who attains Paradise in all sweetness. He will arrive with his hands pure. And yet all the perfumes of Cyprus. . . yes, yes, all the perfumes of Cyprus shall never clean those hands”.

(Extract (translation) from *Le Canard Enchaîné*, Paris, 19 February 1964.)

#### ORGANIZED ATTACK ON TURKS

“Day by day and as murder follows murder detached observers here find it harder and harder to credit the Government of Cyprus with any real determination to stamp out violence. If the President really wants peace on earth and to restore the rule of law he could start by investigating publicly the circumstances surrounding last Thursday’s attack on the Turkish inhabitants of Limassol. The known facts are that on the Wednesday the British peace keeping forces were assured by the Greek authorities that no attack would be made on the Turkish community. Accordingly the British Army did not patrol the town. At 5.30 the following morning Greek Cypriot security forces launched what our special correspondent describes as “a heavy well organized attack against the Turkish quarter of Limassol.” It was carried out by hundreds of steel helmeted men armed with automatic weapons and supported by one tank and two armoured bulldozers. If the Greek Cypriot authorities connived at this formidable attack their behaviour is inexcusable. If they were ignorant of its coming they must forfeit their claim to govern and control their own people, let alone the whole Cypriot community.”

(Extract from the *Guardian* London, 20 February 1964.)

#### PERIL TO PEACE

“. . .The Greek Cypriots must recognise that self-determination is not an absolute right when it imperils peace and that the prohibition of Enosis has the same standing in international law as the prohibition of an Austrian anschluss to Germany.”

(Extract from *The New York Times*, 20 February 1964.)

#### MAKARIOS DELIBERATELY PROVOKING TROUBLE IN CYPRUS

“There is little doubt in the Administration’s own sympathy as well as that of Congress is with Turkey and that Mr George Ball, Under-Secretary of State, came away from his recent visit to Cyprus and Turkey convinced that President Makarios is deliberately provoking trouble in Cyprus and that the present crisis is not of Turkish making.

“...cries of “We want Enosis” were shouted at a demonstration here this morning. The demonstration had been carefully organised by the directors of the schools who come under the jurisdiction of the Greek Communal Chamber.

“...The Director of the Girls’ Gymnasium, Athanasio Chiotelis, a well-known advocate of Enosis, took microphone and shouted “Long Live Cyprus, Makarios, Dighenis (Grivas) and Enosis”. Makarios is expected to see Grivas in Athens soon. It would not be surprising if he acceded to the growing public demand for the return of the ex-Eoka Leader.

“...It is now being freely admitted in Whitehall that the costly and risky British policing action has had two untoward results. It has given the Greek Cypriots time to build up their armed strength in order to achieve a solution of the Cyprus problem in their own interests, and it has heightened the danger posed to the Turkish minority.”

(Extract from the *Guardian*, London 12 March 1964.)

#### THE DRAMA OF CYPRUS

...I have seen in a bathtub the bodies of a mother and of her three young children murdered just because their father was a Turkish officer. ...

Archbishop Makarios is too much of an ecclesiastic to express himself so brutally, but it is a fact that he never undertook to condemn openly the horrible excesses committed by his partisans, leaving a delirious press the task of pursuing a campaign against the Turks. ...

...The Turks at least are logical with themselves. They say, “Life under these conditions is impossible. We are 120,000 menaced, in the full sense of the word, by extermination. There is but one solution: the partition of the island in two, we in the north, the Greeks in the south.” The Greeks are less frank. They deny the evidence. ...

...According to him (Archbishop Makarios) some changes in the Constitution would be enough. The trouble is that these “amendments” all tend to deprive the Turks of their rights and guarantees which had been accorded to them in 1960. The Turks replied: “This amounts to saying to a drowning man “Take off your life-saver and everything will be alright!...”

(Extract from a report by Max Clos, *Le Figaro* (Paris), 25 to 26 January 1964.)

#### CYPRUS RISKS ALL

“If the Turkish Army has not already landed reinforcements to its Treaty Force in Cyprus, that is simple proof of the patience of Turkey. Its right to do so cannot be denied. If international treaties mean anything, Turkey can protect the Turkish Cypriot minority from further massacre. It is racial discrimination in its most bestial form. Although there have been efforts to cloud the issue by suggesting that both Cypriot communities are to blame, by far the heaviest guilt is that of the Greek Cypriot force known as Eoka or Edma.”

(Extract from *Daily Telegraph* and *Morning Post* (London), 15 February 1964.)

#### HATRED IN CYPRUS, MAKARIOS ENIGMA

“Archbishop Makarios, robed and bearded cleric who serves as President of Cyprus, has a Byzantine talent for equivocation. ...

...his government deliberately provoked the clashes and is bent upon the extermination of Turkish population. ...”

“Some sort of federal system of two separate communities seems inevitable as the minimum to reassure Turkish Cypriote who demand outright partition. ...”

(Extract from a report by Robert H Estabrook, in the *Washington Post*, 16 February 1964.)

#### CYPRUS TRAGEDY

“...Greek Cypriot fanatics appear bent on a policy of genocide. ...”

(Extract from a report in the *Washington Post*, 17 February 1964.)

#### *The address of Archbishop Makarios*

The 15 July is an invasion. It is a clear attack from the outside and a flagrant violation of the independence and sovereignty of the Republic of Cyprus. The invasion is continuing as long as there are Greek officers in Cyprus.

President of Cyprus Republic to the UN Security Council on 19 July 1974.



*Father Papatsestos (priest of the Greek Orthodox Cemetery in Nicosia)*

It is a rather hard thing to say, it is true that the Turkish intervention saved us from a merciless internecine war.

Athens daily Ta Nea on 28 February 1976.

*Bülent Ecevit (then Prime Minister of Turkey, 20 July 1974)*

In fact it was much more than a coup. It was the forceful and flagrant violation of the independence of the Cyprus Republic and of the international agreements on which this Republic was based.

Turkey is a co-guarantor of the independence and constitutional order of Cyprus.

Turkey is fulfilling her legal responsibility by taking this action. The Turkish Government did not resort to armed action before all the other means were tried, but to no avail.

This is not an invasion, but an act against invasion.

This is not aggression, but an act to end aggression.

The operations of peace that started with the breaking of the day, this morning, will bring an end to the darkest period in the history of Cyprus.

The UN SECURITY COUNCIL Resolution 353 of 20 July 1974.

Paragraph 5: Calls upon Greece Turkey and the UK to enter into negotiations without delay for the restoration of peace in the area and constitutional Government in Cyprus.

The headline of *The Economist* Editorial 20 July 1974

“CYPRUS: A STATE BUT NOT A NATION”

Die Zeit—30 August 1974

The massacre of Turks in Paphos and Famagusta is the proof of how justified the Turks were to undertake their second intervention.

Andrew Borowiec

Cyprus, A Troubed ISland, p 83

Nicos Sampson the man chosen by the Athens junta as president, had spoken briefly on the radio, pledging to lead Cyprus to “National Union and Hellenism”

Andrew Borowiec

Cyprus, A Troubed Island, p 84

In the four days that followed the coup, an estimated 2,000 people, known to be ardent supporters of Makarios were killed. Their names were later added to those killed during the subsequent Turkish invasion.

Andrew Borowiec

Cyprus, A Troubed ISland, p 85

The Greek side could have emerged from the Geneva talks (July-August 1974) as a partner in a Cypriot federation but at a price of autonomous Turkish cantons and an agreement to tolerate a large Turkish military presence on the island.

Archbishop Makarios, in an interview with the Frankfurter Rundschau reported in the *Cyprus Mail*. (16 May 1974)

Enosis had always been for the Greek Cypriots a deeprooted national aspiration. To me independence is a compromise. In other words, if I had a free choice between Enosis and independence, I would support Enosis.

Archbishop Makarios, in a letter to the President of Greece, Gen Phaedon Ghizikis. (2 July 1974)

The Cyprus state could be dissolved only in the event of Enosis.

Nicos Sampson, reported in the *Cyprus Mail*. (17 July 1974)

I was about to proclaim Enosis when I quit

Archbishop Makarios, in an interview given to the Norwegian newspaper Degbladet. (12 March 1977)

It is in the name of Enosis that Cyprus has been destroyed.

#### THE FALL OF MAKARIOS

... They say that they intend to maintain Cyprus as independent and non-aligned and to continue the intercommunal talks between Greek and Turkish Cypriots. But at the same time they talk about the “salvation of the Hellenism of Cyprus”, they refer to the island as a “Hellenic republic”, and they set first among their targets the “restoration of the spiritual unity of Greek Cyprus”.

... The Turkish Government, and the Turkish community in Cyprus, can hardly be expected to ignore this development.

... As soon as any threat to the Turkish community develops, or as soon as any definite step towards Enosis is taken the Turks are bound to react.

... If concerted action proves impossible, any one of the guarantors has the right to intervene unilaterally.

*The Times*, 16 July 1974

#### TURKEY PUTS ARMED FORCES ON ALERT

Ecevit said: “Let no one try to profit from the chaotic situation in Cyprus to infringe upon the rights of the Turks. We will never accept a fait accompli. We will let no one trample the rights of the Turks.”

*The Times*, 16 July 1974

#### THE GREEK RESPONSIBILITY

... There should be no doubt that this is an international problem and not an internal one. Under the Treaty of Guarantee of 1960 the three guarantor powers—Britain, Greece and Turkey—recognised and guaranteed the “independence, territorial integrity and security of Cyprus and also the state of affairs established by the basic articles of the constitution”.

... Each of them reserved the right if “common or concerted action” should not prove possible to “take action with the sole aim of re-establishing the state of affairs created by the present treaty”.

... The Greek government should be told that unless it withdraws the officers immediately it can not escape the charge of intervening in Cypriot affairs, and can not expect that other powers should refrain from exercising their rights under the treaty.

*The Times*, 17 July 1974

#### FOR THE CYPRUS CRISES

... The Turks regard Monday’s coup as a de facto enosis, as a breach by Greece of the Treaty of Guarantee, and hence as a threat both on the Turkish community in Cyprus and to Turkey’s own strategic position. If “concerted action” with Britain proves impossible, the Treaty gives Turkey the right to intervene.

*The Times*, 19 July 1974

#### A PERILOUS BUT JUST ACTION

The Turkish invasion of Cyprus is a justified exercise of national power to defend an interest and fulfil a treaty obligation.

... The British made it clear that they would not engage in joint military action, or even verbally support it. Neither expressions of distaste for Sampson, nor diplomatic manoeuvring, were for Ankara a big enough commitment on the part of her two major NATO allies. As days went by, the lesson of history evidently impressed itself on the Turks: that the illegal Sampson regime would soon become, de facto legal.

Editorial

*The Sunday Times*, 21 July 1974

#### TOURIST’S GRIM ACCOUNT OF BURIALS IN MASS GRAVES

... After landing at RAF Lyneham, Wiltshire, Mr Derek Reed, aged 31, said he had seen bodies being buried in a mass grave near Paphos after last Monday’s coup.

“People who were told by Makarios to lay down their guns were shot out of hand by the National Guard”, he said “they were buried in mass graves”.

*The Times*, 22 July 1974

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“Cyprus, Christmas day of 1963”

Prof Alexis Heraklides

Ta Nea (Athens), 10 January 2002

Translation of an article by Prof. Alexis Heraklides (International Relations Faculty of Political Science), which appeared in the 10 January 2002 issue of the left-leaning and pro-government Greek newspaper *Ta Nea*:

During the second round of talks between Denktash and Clerides, the issue of missing persons was raised. According to the widespread view in Greece regarding the matter, only missing persons in Cyprus are Greek Cypriots and Turkey together with Greek Cypriots are the responsible parties.

But the situation is entirely different. Though lesser in number, there are Turkish Cypriot missing persons as well in Cyprus. They are the victims of EOKA-B and the troops of the Junta in Greece, both of whom have escaped punishment. Furthermore, some of the Greek Cypriot missing persons have been killed by their very compatriots. The other responsible party for the Greek Cypriot missing persons is the invading Turkish army and not the Turkish Cypriots or Denktash.

If an attempt is made to write a different version of history based on certain selected memories, inevitably leads to a picture which is detached from the realities of the past. This is being done deliberately to “clear” our side in the face of certain serious allegations. Let us have a brief look at the Cyprus issue starting from 30 years ago:

December 1963. Three years old bi-communal Republic of Cyprus no longer exists. The obvious reason for this was a step taken by Makarios, which is considered as a big mistake. The basic motive behind Makarios’ proposal on 30 November 1963, consisting of 13 constitutional amendments, was to relegate the status of the numerically less Turkish Cypriots to minority status and to surrender their destiny to the mercy of the Greek Cypriots. Küçük, the Turkish Cypriot leader of the era, was so shocked that he made this remark: “Would Enosis be better under these circumstances!”

The developments, which took place later on, are tragic and known. There was a bloodbath in incidents that took place during the months of December 1963 and January 1964. This led to the division of the Island and the deployment a UN Peace Force. The Green Line, a creation of that time, is still present on the Island. There are two different main opinions in serious history books regarding the bloody incidents of December 1963 and January 1964:

- (a) The responsibility for the incidents rests with both parties;
- (b) Greek Cypriots essentially should be held responsible because they initiated the incidents.

The first opinion is formulated by Greek and pro-Greek intellectuals. The second one, which is more realistic, was also adopted by the UN Secretary-General of the time.

If you ask why I have written the above at the beginning of the new year, the reason is twofold: Firstly, about three weeks ago I was very disappointed to watch, on a Greek Cypriot TV channel, a program depicting Turkey and Turkish Cypriots as solely responsible for the incidents of December 1963. The second reason is my belief that, if the opinion broadcast by the Greek Cypriot TV channel is shared by Greek Cypriots in general, then the Cyprus issue can only be resolved through partition, and not through EU membership.

E-MAIL MESSAGE

I have just finished reading a very interesting book called *The Genocide Files*, written by Harry Scott Gibbons. This book covers the events in Cyprus from December 1963 to the intervention of Turkey in 1974, and if true, paints a very different picture of events than the one portrayed by the Greek Cypriot side. If this book is to be believed, and I cannot see why the author would portray things incorrectly, then there was most certainly a very grave injustice, amounting to attempted genocide of the Turkish Cypriot community. My question is, given that these events would represent a crime against humanity, why does the TRNC not make more publicity of these events, and bring their version of the situation to international attention. Surely, if these facts were made more public, then the international community would look more closely at the situation instead of simply taking the Greek Cypriot view of the events leading to Turkey’s intervention. Also, as far as I am led to believe, there is no statute of limitations on crimes against humanity, so why have the TRNC not tried to bring the people involved in the attempted genocide to justice? I await your comments with interest.

Best Regards

E-Mail dated 15 September 2004

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**Further written evidence from the Turkish Republic of Northern Cyprus, President's Office**

**CYPRUS: OBJECTIVE REALITIES, VALIDITY OF GREEK CYPRIOT OBJECTIONS TO THE ANNAN PLAN AND THE WAY FORWARD**

**UNDERLYING CAUSES OF THE CYPRUS QUESTION**

Turks and Turkish Cypriots have not yet realized the critical significance of public relations and propaganda. Greek Cypriots and Greeks, on the other hand, are experts in the use of propaganda and lobbying. Although propaganda and lobbying are legitimate, cheating is, to say the least, unethical.

Unfortunately, even the European Union has allowed itself to be misled by the “unethical” propaganda machine of the Greek Cypriot side.

Addressing the European Parliament on 21 April 2004, EU Enlargement Commissioner Günter Verheugen, for example, recalled that in 1999 the then Greek Cypriot government had promised to do everything possible to secure a settlement in return for which the EU would not make a Cyprus solution a prerequisite for accession. An angry and disappointed Mr Verheugen stated to the European Parliament that:

“What Mr Papadopoulos said after the negotiations in Switzerland is the rejection of that notion and I must draw the conclusion from his words that the government of the Republic of Cyprus opposes the international settlement and proposes the rejection of the Plan. I am going to be very undiplomatic now. I feel cheated by the Greek Cypriot government”

It is unfortunately a fact that in conflict situations the near-irresistible temptation is to focus on surface symptoms, to simplify the task and to search for the fastest way out. In resolving conflict, however, we need to shift the focus beyond the surface approach of treating symptoms to a deeper level where the addressing of the underlying causes of the conflict is possible. Short-term pain relief should not be confused with long-term cure.

Coming back to the Cyprus question, we need to go beyond the easily available propaganda material and dig out underlying objective facts and causes. The Cyprus conflict is not, for example, the result “. . . of a military invasion and continued occupation of part of the territory of a sovereign state” as the Greek Cypriot leader Tassos Papadopoulos chose to present it in his 23 September 2004 statement at the General Debate of the 59th Session of the General Assembly of the United Nations. Neither did the conflict start because the Turkish Cypriot people, an equal partner of the 1960 partnership Republic of Cyprus, agitated to secede from that Republic.

If “occupation” is the root cause of the Cyprus issue, this is in fact the 41-year-old continued occupation of the seat of government of the once bi-communal partnership Republic of Cyprus by the Greek Cypriot partner since 1963. It is because of this occupation and the resultant conflict between the two equal partners that we have had UN peace-keeping forces in the island since 1964. The selective ignoring by Mr Papadopoulos of the period from 1963 to 1974, together with the reasons for the intervention of Turkey on 20 July 1974, cannot, of course, be attributed to amnesia. The withholding and even denial of certain “selected” facts is rather a devious attempt to obscure the underlying cause of the Cyprus issue in full knowledge of the dictum that cure is directly linked to cause. In other words, the Greek Cypriot side is attempting a cure for Cyprus that will not be based on their hijacking of the 1960 partnership Republic.

Returning back to the Greek Cypriot claim that the Cyprus conflict is the result of a military invasion and continued occupation, there is no resolution of the United Nations Security Council which describes the legitimate and justified intervention of Turkey in 1974 as “aggression”, “invasion” or “occupation”. In fact, in a dramatic statement before the Security Council on 19 July 1974, Archbishop Makarios, the Greek Cypriot President at the time, openly accused Greece, not Turkey, of invading and occupying Cyprus on 15 July 1974. It was this invasion and occupation in order to realize immediate Enosis (union of Cyprus with Greece) and the violation of the state of affairs established by the 1960 Constitution and Treaties that led to the intervention of Turkey in accordance with its rights and obligations under the 1960 Treaty of Guarantee.

On the claim that it was the Turkish Cypriot side which agitated to secede from the partnership Republic, Archbishop Makarios, the then Greek Cypriot President of the 1960 partnership Republic, is on record for repeatedly confessing that the Greek Cypriot struggle and aspiration in Cyprus was the realization of Enosis. In a statement to *The Times* on 9 April 1963, eight months before the hijacking of the partnership State, he said, for example, that:

“The union of Cyprus with Greece is an aspiration always cherished within the hearts of all Greek Cypriots. It is impossible to put an end to this aspiration by establishing a Republic.”

When the Security Council resolved to send peacekeeping troops to the Island, the mandate of these troops (UNFICYP) as stipulated in resolution 186 (1964) was to prevent a recurrence of the fighting and to contribute to the maintenance and restoration of law and order and a return to normal conditions.

Immediately following the endorsement of this resolution in the Security Council, the Turkish Cypriot side applied to the UN Secretary-General to use his best efforts to restore law and order and help return to normal conditions by upholding the 1960 constitutional order. The then Secretary-General turned this request down and replied to the Turkish Cypriot side that this was not the intention of the Security Council in adopting resolution 186.<sup>71</sup>

The admittance in resolution 186 that normal conditions did not exist and the refusal to restore the constitutional order in Cyprus are proof that the 1960 partnership institutions were incapable of functioning as set out in the 1960 Constitution thus making that Republic legally void as of December 1963.<sup>72</sup>

In yet another attempt, the Turkish Cypriot Parliamentarians who requested the help of the UN Peacekeeping Force in Cyprus (UNFICYP) to return to the partnership Parliament in July 1965 were told by the then Greek Cypriot President of the House of Representatives Glafkos Clerides that they could only do so provided they recognized the Greek Cypriot Government as the Cyprus Government, that they accepted all the laws enacted by the House of Representatives in their absence, and agreed to abolish Article 78 of the Constitution concerning separate majorities.<sup>73</sup> When the Turkish Cypriot Parliamentarians refused to accept these humiliating conditions, they were instantly blamed by the Greek Cypriot side with withdrawing from the legitimate government. Turkish Cypriot political leaders of the time have repeatedly said that it was this final betrayal that triggered the chain of events, which led to the division of the Island and the emergence of two separate Governments.

In spite of all these facts, the Greek Cypriot side has been successfully hiding behind what is called the “state of necessity”<sup>74</sup> argument and facade since December 1963. Putting aside the role of the Greek Cypriot side in creating the abnormal situation of 1963, the Greek Cypriot refusal to go into a new partnership with Turkish Cypriots and their preference in the 24 April 2004 referendum to maintain “abnormal conditions” unquestionably deprives them from using the “state of necessity” argument<sup>75</sup> any longer, together with the argument that the so-called “Republic of Cyprus” is the legal government of the whole island.

#### DISTORTION OF FACTS

Greek Cypriot politicians and officials frequently resort to the tactic of distorting facts in order to make more effective and to dramatize their unethical propaganda attempt. I will give three examples of such distortions.

a. In his letter to the UN Secretary-General of 7 June 2004, Tassos Papadopoulos claimed that there are “119,000 . . . illegally implanted Turkish settlers” in North Cyprus. Putting aside the discussion about the unacceptable nature of the choice of the word “settlers”, Mr Papadopoulos argued later on in the same letter that the final version of the UN Plan would have allowed for the entirety of the “settlers” to remain in Cyprus. This amounts to a gross distortion of the facts in the Plan which limited to 45,000 those who could acquire Cypriot citizenship from each side other than those persons who held Cypriot citizenship on 31 December 1963, their descendants and the spouses of such descendants.

b. In his interview with the Dubai based *Khaleej Times* on 4 September 2004 Mr Papadopoulos openly claimed in response to a question that no Turkish Cypriots were killed between 1963 and 1974. The comment of Loucas G. Charalambous, a prominent Greek Cypriot journalist to this lie was “Does the President suffer memory loss?”. In his opinion column in the Greek Cypriot English language daily *Cyprus Mail* of 12 September 2004, Mr Charalambous wrote:

“We should resist the temptation to laugh at this response by the President. I will just remind you that during this period (1963-19 74), there were bloody clashes in Mansoura-Tylliria, in Leka-Ambelikou, in Trypimeni, in Arsos, in Man, and in Kophinou-Ayios Theodoros.

In Kophinou alone, UNFICYP had counted 22 corpses of Turkish Cypriots by 10 am on 15 November (1967) as was reported by Brigadier Michael Harbottle in his book *The Impartial Soldier* I do not think there is anyone who would consider it wrong to describe the President’s claim that no Turkish Cypriots were killed as a blatant lie.”

c. Tassos Papadopoulos wrote to the UN Secretary-General on 7 June 2004 that he once more wanted to “emphatically reiterate” the commitment of the Greek Cypriot people, as well as himself, . . . to the solution of a bi-zonal, bi-communal federation”. He repeated this commitment in his statement to the General Debate of the 59th Session of the General Assembly of the United Nations on 23 September 2004. But in the same statement Mr Papadopoulos also repeated that the resolution of the land and property issues

<sup>71</sup> Paragraphs 218 and 219 of the UN Secretary-General’s report of 10 September 1964

<sup>72</sup> On 4th July 1992, the EC Arbitration Commission found that the federal institutions of the Socialist Federal Republic of Yugoslavia (SFRY) were incapable of functioning as originally designed in the Yugoslav Constitution and that the SFRY should therefore be considered to have dissolved and ceased to exist. The Arbitration Commission also found that the Federal Republic of Yugoslavia (FRY) could not be considered to be the continuity of the SFRY.

<sup>73</sup> UN Secretary-General’s report to the Security Council dated 29 July 1965, paragraphs 7-11.

<sup>74</sup> Chrystomides, *Kypros, The Republic of Cyprus: A Study in International Law* (Martinus Nijhoff Publishers, 2000).

<sup>75</sup> Dr. Kudret Ozersay, *The Doctrine of State Necessity and the Republic of Cyprus* (unpublished report).

had to respect the right of return of refugees. Similarly, in his letter of 7 June 2004 to the UN Secretary-General, Mr Papadopoulos insisted that . . . the Plan includes a number of pre-conditions for reinstatement of properties, which limits substantially the exercise of the right of Greek Cypriots to reinstatement”.

Mr Papadopoulos’s insistence on the right of return and the reinstatement of properties makes mockery out of the principle of bi-zonality, which is an established pillar for settlement in Cyprus, and which Mr Papadopoulos says he is committed to respect. Obviously, Mr Papadopoulos cannot support both bi-zonality and full respect of the right of return of refugees. If he really supports bi-zonality he has to put aside pretences and must start preparing his people to accept restrictions on the right to return in order to facilitate bi-zonality.

#### GREEK CYPRIOT OBJECTIONS TO THE SECRETARY-GENERAL’S PLAN: ARE THEY REAL OR MERELY EXCUSES

##### *A. The functionality argument*

In his letter of 7 June 2004 to the UN Secretary-General, Mr Papadopoulos stressed that functionality covers all the areas of the operation of the state including federal legislation and its practical application, the Central Bank, fiscal and monetary policy, the curtailing of the various transitional periods, the administrative structure and functioning of the federal government, the decision-making process at all levels, and the territorial aspect. Mr Papadopoulos described the objective of functionality as ensuring the viability and smooth operation of the solution.

But, functionality, viability and smooth functioning vary depending on the agreed model of governance. The modalities for smooth functioning and decision-making, for example, vary in the case of a unitary state as compared to the case of a bicomunal partnership/federal state. In the case of the latter, in order to respect and cater for the interests and political equality of the partners, representation and decision-making arrangements cannot allow for one of the parties to dominate or subordinate the other if what is required is the smooth functioning and viability of the partnership.

No doubt all the requirements for a smooth functioning partnership cannot be legislated and invariably require the building-up of a partnership culture and mutual trust. Partnerships also require strong common interests and interdependence, which, together, will act to hold the partnership together. With the asymmetry that has been allowed to grow in the political and economic powers of the two parties in Cyprus since 1963, coupled with the continuing Greek/Greek Cypriot obsession that Cyprus is part of the Hellenic world and the insistence to patch the Turkish Cypriot people into the Greek Cypriot usurped “Republic of Cyprus”, I do not think that the essentials are currently in place for a viable, smooth functioning and sustainable partnership. There is no doubt that under the functionality argument Greek Cypriot political leaders are trying to introduce majoritarian decision-making and governance arrangements instead of exploring alternative partnership consensus-building mechanisms.

In fact, such mechanisms were explored in the course of the Technical Committee meetings on cooperation agreements and the federal laws. On the subject of the Cooperation Agreement on European Union Relations, which aimed at regulating policy formulation, decision-making, representation and legal actions concerning European Union Relations which fall exclusively or predominantly into an area of competence of the constituent states, the formula included in the UN Secretary-General’s Plan foresaw the establishment of a coordination group composed of four representatives, two hailing from each constituent state. The group would try to reach decisions by consensus. If consensus could not be achieved, decisions would be reached by special majority which would include at least one member hailing from each constituent state. Unfortunately, even this arrangement, which applied to functions that fall exclusively or predominantly into an area of competence of the constituent states on which they could not be overruled, was not acceptable to Mr Papadopoulos.

In an article published in the 29 August 2004 issue of the Sunday Mail, Greek Cypriot political analyst Nicos A Pittas pointed out that:

“On our side, the hard line successors to Makarios, who of course are more Catholic than the Pope, pay lip service to federalism but in reality insist on a government structure that is essentially unitary and gives control to the majority Greek Cypriot community in the event of a deadlock. It is exactly the same issue that brought down the Zurich and London Agreements in 1963 and which continues today under its contemporary guise . . . It is not the flaws of the Annan Plan that are the problem. It is the leadership of our governing coalition that is collectively responsible for the continuation of the Cyprus stalemate . . . If our leaders were truly committed to a federal settlement any practical problems could be surmounted through negotiations after the establishment of the United Cyprus Republic . . . That in fact is the nature and essence of federalism: that it needs to be constantly nurtured and renewed in each generation by the communities that comprise the federation.

The reality is that no solution or constitution will be perfect”.

*B. Security Needs of the Greek Cypriot Side:*

Although Cyprus has never been under Greek rule, Greeks and Greek Cypriots historically (even mythologically) count Cyprus as an integral part of the Hellenic world. It is this belief that has led to the violent collapse of the 1960 partnership state. Because this historic belief is institutionalized in Greek culture (myths, the Church, schools) it is hard to ignore it. Over a period of ten years between 1963-1974 no amount of diplomacy succeeded to change this belief and to halt the forceful marginalization of Turkish Cypriots and their deprivation from their constitutional and treaty rights. Turkey was forced into intervening in Cyprus in 1974 in order to fulfill an obligation under the 1960 Treaty of Guarantee because the state of affairs created by the 1960 Constitution was continuously violated. In spite of the security protection provided to Turkish Cypriots by the presence of the Turkish army, which has been the sole deterrent for the reoccurrence of violence on the island since 1974, the violation of the 1960 state of affairs is continuing and has over the years led to a chain of events and the emergence of new conditions which have found expression in guideline agreements (1977 and 1979) between the two sides (bi-zonality, bi-communality, federalism). But because the Greek Cypriot side is still obsessed with Hellenism and wishes to maintain the political and economic advantages it has unjustly acquired since 1963, there is no eagerness on their side to step down from their advantageous position and share power with their equal ex-partner in the context of a new comprehensive partnership settlement package.

In spite of the fact that the Turkish army continues to be the one and only security cover for Turkish Cypriots, and, the fact that the Secretary-General's Plan required the substantial reduction of these forces over the initial but very critical seven year period (allowing for both Turkish and Greek contingents not to exceed 6,000 all ranks until 2011), to be followed by a further reduction to a symbolic 650 by the European Union accession of Turkey, or following 2018 (whichever is sooner), both Turkey and the Turkish Cypriot majority (through the referenda of 24 April 2004) supported the Secretary-General's Plan. The Plan even contained a provision which provided for a three-yearly review after 2018 with the objective of total withdrawal (Article 8,1,b iii of the Foundation Agreement).

All these did not suffice to satisfy Mr Papadopoulos, who, in his all or nothing approach, wrote to the UN Secretary-General on 7 June 2004 that Greek Cypriot concerns regarding "the crucial issue of security, were to a great extent, ignored". He pointed out in the letter that they . . . still have serious security concerns as a result of the presence of Turkish occupation troops and Turkish overall behaviour". Mr Papadopoulos claimed that the Plan meant that Turkish troops would remain on the island indefinitely.

The underlying logic and calculation behind this "all or nothing" stance of Mr Papadopoulos can be traced to his pre-referenda address of 7 April 2004, in which he also called upon the Greek Cypriot people to give a resounding "no" reply to the UN Secretary-General's Plan:

"What will be the consequences if the people vote no at the referendum? If the sovereign people with their vote reject the Plan, within a week the Republic of Cyprus will become a full and equal EU member. We will achieve a strategic goal that we have jointly set to upgrade and politically armor the Republic of Cyprus . . . The view that this will be the last initiative for a Cyprus solution constitutes dogmatism and indicates ignorance of the rule of international policy . . . On the contrary, I am saying that the pressure for a solution will be bigger . . . Turkey's accession course will also continue, thus Ankara will be under continuous evaluation for the adoption and implementation of the *acquis communautaire*, and Cyprus will be one on of the evaluators."

The position of Mr Papadopoulos is therefore that they are so strongly positioned vis-a-vis the Turkish Cypriot side and Turkey that they can afford to completely ignore the legitimate concerns and interests of Turkish Cypriots (including security), as well as the 1960 Treaty rights of Turkey (while the Treaty rights of Britain remain intact). They also conclude on the basis of their calculation that time is working in their favour, therefore, they can afford to wait indefinitely until "total victory" is secured.

This line of thinking, coupled with the vision and obsession of a Hellenic Cyprus, does not leave much room for give-and-take, compromise and a sustainable win-win settlement, or stability, in Cyprus. We need to understand that there cannot be a fair and sustainable settlement in Cyprus that would be based on the political equality of the two sides so long as the Greek Cypriot side is allowed to unilaterally realize all its objectives and so long as the Turkish Cypriot side is made to be seen to be subordinate to Greek Cypriot authority.

In any case, on the subject of security, we must not allow the Greek Cypriot side to forget that it is the refusal of the UN Secretary-General's Plan by them that has prevented settlement in Cyprus thus halting the kick-starting of the process of demilitarization on the terms of the Plan. Mr Papadopoulos should not now be allowed to complain about the presence of Turkish troops on the island.

### C. *The Question of “Turkish Mainland Settlers”*

This issue has at least three very important dimensions—political, economic and humanitarian.

On the political front, by using the politically loaded word “settler” regarding Turkish mainlanders residing and working in North Cyprus and by challenging the capacity of Turkish Cypriot authorities to grant “citizenship”, the Greek Cypriot side is, on the one hand, trying to register the claim that it is only their authorities who can grant citizenship, and on the other, that “Turks” are not welcome in Cyprus.

In essence, through this position, the Greek Cypriot side is trying to establish the point that even in the absence of a settlement and partnership institutions Greek Cypriot authorities are solely and “divinely” authorized, on behalf of both sides, to issue “firmans” on the citizenship issue. In doing so, they of course feel entitled to make as many Greeks, Russians, Pontian Greeks etc “citizens of Cyprus” without asking Turkish Cypriots, and, as such, do not consider these deeds as acts that disturb the demographic balance on the island.

On the economic front, because Turkish Cypriots are the undesirable other (challenge to the Hellenic character of Cyprus, uninvited guests, even “sub-humans”) and must be “hurt” further with embargoes and isolation so that they will eventually succumb to Greek Cypriot wishes, they must not have a vibrant economy. Turkish workers and manpower significantly contribute to the economy of North Cyprus, therefore, every argument and tool must be used to make their stay in Cyprus “illegitimate”. While the very vibrant construction sector in North Cyprus is totally dependent on Turkish construction workers, the agricultural and tourism sectors depend largely on human resources from Turkey. The Turkish Cypriot economy would collapse completely without the Turkish workforce, the presence of which has now become an integral part of its economic infrastructure. Per capita income in the Turkish Republic of Northern Cyprus is now calculated to have reached 7,500 US Dollars—a rise of approximately 50% over a period of two years.

Unfortunately, the current Greek Cypriot leadership is guided by the type of archaic reasoning and logic outlined above instead of looking upon the island as a regional, European and a global opportunity for the two partners and co-owners, where each side would use its assets, roots and influence in both the West and the East to maximize returns for the whole of Cyprus thus making the island a “partnership of civilizations” model for the rest of the world.

Nicos A Pittas, a Greek Cypriot political analyst writing for the Cyprus Mail, had the following comments in his article of 29 August 2004 regarding settlers:

“He (Mit Papadopoulos) also wails that the Annan Plan allows some settlers, a lot of settlers, maybe even all the settlers to stay. So What? If Cyprus needs something almost as much as water, it is cheap labour. . . We already import tens of thousands of foreign workers from all over the world to do our dirty work, so what is so awful if some of them are Turks? In any case given that we are now in the EU and someday probably so will Turkey with resulting mobility rights throughout the EU including Cyprus, what is so catastrophic with permitting 50,000 Turks, most of whom have lived on Cyprus for most of their lives, to stay?”

Currently, Greek Cypriot authorities are using all of their powers and influence in the EU to undermine an EU Commission proposal for direct trade between North Cyprus and the EU in yet another attempt to subordinate the Turkish Cypriot side and its economy to Greek Cypriot rule.

On the humanitarian front, the attitude and position of the Greek Cypriot side regarding the citizens of an EU candidate country, which they humiliatingly describe as “Turkish mainland settlers”, is discriminatory and de-humanizing to say the least.

In a study released in late 2003, the British Helsinki Human Rights Group criticized the Parliamentary Assembly of the Council of Europe for stating in a report that it published on 24 June 2003 that settlers in Northern Cyprus are coming from Anatolia “one of the least developed regions of Turkey” whose “customs and traditions differ significantly from those present in Cyprus”. The British Helsinki Human Rights Group study pointed out that the Parliamentary Assembly of the Council of Europe Report “expresses the kind of racist sentiments supposedly deplored by the Council of Europe”.<sup>76</sup>

### D. *The Claim that the UN Secretary-General’s Plan Was “Not the Product of Negotiation Nor Did It Constitute an Agreed Solution Between The Parties”*

The question that needs to be answered here is whether the UN provided the necessary frame-work where ample opportunity was given for negotiation and agreement to take place, or whether the Greek Cypriot side preferred to be seen to be negotiating—while putting all the blame on the Turkish Cypriot side—in order to prevent the realization of a partnership settlement based on the principles of bizonality and political equality. A study of the developments between late 2003 and 24 April 2004 reveal without doubt that the Greek Cypriot side in fact refrained from negotiation with the objective of preventing the realization of a partnership settlement and that they are now merely inventing excuses to cover up their hidden agenda.

<sup>76</sup> “Bitter Lemons The Search for a Solution to the Cyprus Problem”, British Helsinki Human Rights Group, www.bhhrg.org, p 18



In December 2003, Tassos Papadopoulos sent a letter to the UN Secretary-General calling for the resumption of substantive negotiations on the basis of his Plan. When the Secretary-General met Mr Papadopoulos in Brussels on 29 January 2004, Mr Papadopoulos reiterated his call, stressing categorically, that he sought a solution before 1 May 2004. He reassured the Secretary-General that he did not seek “40 or 50” changes to the Plan, and that all the changes he would seek would be within the parameters of the Plan.<sup>77</sup>

After getting similar signs from the Turkish Cypriot side, Turkey and Greece, the UN Secretary-General invited the parties to New York on 4 February 2004 to begin negotiations on 10 February 2004. Following intensive negotiations, the two sides reached agreement on 13 February 2004 on a three-phase process leading to separate simultaneous referenda on a finalized Plan before 1 May 2004. The three-phases were:

Phase I: The parties would seek to agree on changes and to complete the Plan in all respects by 22 March 2004 in Cyprus.

Phase II: In the absence of an agreement in Phase I, the Secretary-General would convene a meeting of the two sides—with the participation of Turkey and Greece, in order for them to lend their collaboration in a concentrated effort to agree on a finalized text to be submitted to referenda on the basis of the Secretary-General’s Plan.

Phase III: As a final resort, in the event of a continuing and persistent deadlock, the parties invited the Secretary-General to use his discretion to finalize the text to be submitted to referenda on the basis of the Secretary-General’s Plan.

When the negotiations re-convened in Cyprus on 19 February 2004, Mr Papadopoulos insisted that all federal laws, constitutional laws and cooperation agreements (all 131 of them) had to be completed by 22 March 2004 for the Plan to be considered complete. More than 250 Turkish Cypriot and Greek Cypriot technical experts worked day and night to finalize these legal texts, about 90% of which was finalized by 22 March 2004 with some differences remaining between the parties on the remaining 10%.

In the political negotiations, the Greek Cypriot side kept producing papers on their demands while the Turkish Cypriot side was busy trying to produce counter proposals that would address the interests and needs of both sides. The Secretary-General wrote in his report of 28 May 2004 to the Security Council that:

“ . . . . The Turkish Cypriot side was generally prepared to engage on Greek Cypriot proposals and to discuss matters on a realistic basis, and sought to make counter-offers and compromise proposals”.

Unfortunately, although the Technical Committees succeeded to achieve much of their task, progress was not possible at the political level and the Secretary-General had to move to Phase II of the process.

Accordingly, when on 24 March 2004 the Secretary-General’s Advisor Alvaro de Soto proposed an opening meeting of the two sides, with Greece and Turkey present in Bürgenstock, Switzerland, in order to lend their collaboration, the Greek Cypriot side indicated that it did not wish to meet in this format in spite of the fact that it had accepted this arrangement in New York on 13 February 2004. This undermined the whole purpose of Phase II of the agreed plan to move the process forward and no progress was therefore possible in spite of all the bridging proposals of the Secretary-General and the efforts of friendly countries.

The Secretary-General was therefore forced into moving to Phase III of the process and at close to midnight on 31 March 2004 he presented the two sides a finalized Plan, as per the agreement of 13 February 2004, which included further improvements beyond those already suggested by him in his bridging proposals.

On his return to Cyprus, Mr Papadopoulos delivered an emotional address to Greek Cypriots on 7 April 2004 calling upon them to give a resounding “no” reply to the Secretary-General’s Plan, while using the state machinery to make sure that the Greek Cypriot referendum result would be negative.

After confirming categorically to EU officials and to the Secretary-General in their Brussels meeting on 29 January 2004 that he sought a solution before the accession of “Cyprus” to the EU (before 1 May 2004), Mr Papadopoulos was bold enough to call on the Greek Cypriot people to wait till after their membership of the EU when, he said, they will have more leverage against Turkey and the Turkish Cypriots in realizing their objective of further upgrading and politically armouring the Greek Cypriot “Republic of Cyprus”. Mr Papadopoulos in fact made several unofficial attempts both in Cyprus and in Bürgenstock to delay negotiations and agreement till after 1 May 2004 thus proving his insincerity about agreement by 1 May 2004.

Following all of these, on 23 September 2004 Mr Papadopoulos had the face to claim at the General Debate of the 59th Session of the General Assembly of the United Nations that “. . . Despite the hard work invested in the process by all involved the end product of this effort was judged to be inadequate and it fell short of minimum expectations for a settlement for Greek Cypriots . . . Firstly (because) the Annan Plan was not the product of negotiation nor did it constitute an agreed solution between the parties”.

To sum up, in view of the adverse conditions surrounding the UN negotiation process, the 24 April 2004 referenda results were virtually a foregone conclusion. Especially with the acceptance of the Greek Cypriot Government of Cyprus by the EU as the sole interlocutor for “Cyprus” and the removal of the condition

<sup>77</sup> UN Secretary-General’s Report to the Security Council dated 28 May 2004, para 8.

foreseen in the 1992 UN Set of Ideas that EU membership would follow a settlement between the two sides, there was no need left for the Greek Cypriot side to reach a partnership settlement since they could realise all of their objectives, including EU membership under the claim that they represent the whole island, unilaterally, while the hands of the Turkish Cypriot side were tied under embargoes and political isolation. The failure of the United Nations to prepare the ground for meaningful and fair negotiations and to level the playing field in a way that would respect the equal legitimacy of the two sides also contributed to this result. Partnerships require a “glue” factor to hold the partners together. Professor Tozun Bahçeli of King’s University College, Canada, pointed out at a conference at the Eastern Mediterranean University, the Turkish Republic of Northern Cyprus, on 29 April, 2004 that the partnership option was attractive to the Greek Cypriot side so long as a two state solution was a real possibility.

Under the influence of misinformation and the push of Greece within the EU, and without regard to the rule of law and the root causes of the Cyprus conflict, the Turkish side was effectively treated by the EU as the villain seeking secession from the legitimate Greek Cypriot Government of Cyprus, while the Greek Cypriots were treated as the victims. The consequence of these false perceptions and assumptions immunised the Greek Cypriot side from suffering any consequences for their intransigence. If the pursuance of a zero-sum strategy entails no consequences there is naturally no incentive to settle for less. This point was confirmed in the emotional pre-referenda address of the Greek Cypriot Leader Tassos Papadopoulos in which he went as far as saying that he had been entrusted an internationally recognised Republic and that he was not going to reduce it to the status of a community.

#### THE WAY FORWARD

New facts and a new state of affairs have emerged in Cyprus as a result of the referenda of 24 April 2004. The international community cannot now ignore the changing paradigms in Cyprus, which call for the development of new policies and strategies to match the new needs.

Among the elements of the new facts and the new state of affairs could be listed the following:

- The two peoples of the Island are qualified to, and are capable of exercising their separate inherent constitutive powers as we have seen in the recent referenda.
- In exercising their equal constitutive powers, each party represented itself and no other.
- The Turkish Cypriot side supported the Secretary-General’s Plan, which foresaw a bi-zonal, bi-national partnership, by a majority of 6,500, while the Greek Cypriot side refused the partnership plan by a majority of 7,600. This result has made the Secretary-General’s Plan null and void.<sup>78</sup>
- The Greek Cypriot vision of a Greek Cypriot-dominated Cyprus has not changed. Accordingly, the Greek Cypriot side is continuing to resort to every means and argument in order to undermine the principles of bizonality, bi-communality and political equality that are the agreed pillars of a new partnership settlement. In this regard, the emotional pre-referenda address of Tassos Papadopoulos was in essence a challenge against bizonality, political equality and the “virgin birth” approach under the guise of “functionality”; and against the Treaties of Guarantee and of Alliance under the guise of “security”.
- The referenda results have shown without doubt that even after so many years of concentrated effort by the international community the Greek Cypriot side does not believe in partnership and does not respect the political equality of the Turkish Cypriot people. Since an imposed partnership is not an option, the onus is now on the UN and the international community to free the Turkish Cypriot side from the yoke of Greek Cypriots.
- The Greek Cypriot argument based on the “state of necessity” principle lost whatever ground it had since it has become obvious that it was, and is, the Greek Cypriot side that has been contributing to the continuation of the abnormal situation.
- It has now become obvious that what was the partnership “Republic of Cyprus” has in fact turned into the Greek Cypriot Republic of Cyprus in which the Turkish Cypriot people, as an equal corporate body, is no longer a partner or a party.
- It became clear that the intransigent side in Cyprus is not the Turkish Cypriot side and also that the Greek Cypriot side has no ground to hold the Turkish Cypriot side hostage under international isolation.
- It became evident that the absence of a level-playing field, and the one-sided conditionality applied by the European Union, have contributed to the intransigence of the Greek Cypriot side and have prevented the reaching of a negotiated settlement.
- It became visible that the Turkish Cypriot side has been subjected to injustice and discrimination since 1963.
- The Turkish Cypriot side and the international community lost more confidence in the Greek Cypriot side which failed to keep its promise that it would support the Secretary-General’s Plan for a settlement by 1 May 2004 if its EU membership process was kept on track.

<sup>78</sup> The Comprehensive Settlement of the Cyprus Problem, 31 March 2004, Annex IX: Coming.

- It became obvious that it is in fact the Turkish Cypriot side that is confronted with real security and political threats and that needs more safeguards and guarantees against the Greek Cypriot side which is obsessed with the vision of dominating the island.
- The unilateral EU membership of the Greek Cypriot side has further strengthened their hand thus contributing to the asymmetry of power between the two sides and further undermining the chances of fair negotiation.

These new circumstances and realities can now frustrate or act as a catalyst for opening the door for a new analysis and for new strategies/remedies. The international community, especially the United Nations and leading nations, can capitalise on this new opportunity to bring stability and sustainable resolution to Cyprus. No doubt this will require leadership and bold steps, among which could be the following:

- The international community to change the game plan and paradigms surrounding the Cyprus issue by levelling the playing field and empowering the equal status and legitimacy of the Turkish Cypriot polity. Turkish Cypriots should not be kept under international isolation for no fault of their own. There can be no movement on the Cyprus issue without creating a cost for the Greek Cypriot side.
- The international community to free the Turkish Cypriot people from subordination to the Greek Cypriot side by ending all economic, social and political embargoes that have been unjustly applied on them since 1963. The Turkish Cypriot side is expecting the international community to fulfil its commitment following the referenda results of 24 April 2004 that the international isolation of the Turkish Cypriot side would end and that all restrictions (embargoes) on North Cyprus would be removed. It is pertinent, in this regard, to recall some of the remarks made by international personalities and organizations:

*“I applaud the Turkish Cypriots who approved the plan notwithstanding the significant sacrifices that it entailed for many of them . . . (I) hope that ways will be found to ease the plight in which the people find themselves through no fault of their own.”* (UN Secretary-General Kofi Annan, 24 April 2004.)

*“The Turkish Government displayed great courage. The Turkish Cypriots did, as well, on voting for it (Secretary-General’s Plan). And so, I think there should be some benefits to the Turkish Cypriots for having voted ‘yes’ for this Plan.”* (US Secretary of State Cohn Powell, interview with the press, 26 April 2004.)

*“Turkish Cypriots must not be punished because of this result . . . Now we have to end the isolation on the North. The (EU) Commission is ready to take various measures for that aim.”* (Gunther Verheugen, EU Enlargement Commissioner, 26 April 2004.)

*“I think it is important, as I indicated to the Prime Minister, that we end the Isolation of Northern Cyprus . . . We made it clear we must act now to end the isolation of Northern Cyprus. That means lifting the embargoes in respect to trade, in respect to air travel.”* (Tony Blair, Prime Minister of the UK, during his visit to Turkey, 18 May 2004.)

*“The International community and in particular the Council of Europe and the European Union cannot ignore or betray the expressed desire of the majority of Turkish Cypriots for greater openness and should take rapid and appropriate steps to encourage it. The Turkish Cypriots’ international isolation must cease?”* (The European Parliamentary Assembly Resolution no.1376(2004).)

*“I would hope that the members of the Council can give a strong lead to all States to cooperate both bilaterally and in international bodies, to eliminate unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development . . .”* (The Secretary-General’s Report on his Mission of Good Offices in Cyprus to the Security Council, 28 May 2004,8/2004/437, p.2).

- The United Nation to revisit the UN Security Council resolutions regarding Cyprus. This is necessary in view of the new state of affairs in order to ensure that the Turkish Cypriots are not subordinate to Greek Cypriots or their political authority and in order to ensure that they are not left in international isolation and deprived of their rights due to the Greek Cypriot rejection of the Secretary-General’s partnership plan.
- European Institutions to look for ways to empower the Turkish Cypriot Administration as the authority that exercises effective control over North Cyprus. Protocol No 10 of the 2003 Act of Accession stipulated that the Greek Cypriot Administration does not exercise effective control over North Cyprus. In fact the 1960 Constitution of the Republic of Cyprus, and the state of affairs created thereof, does not allow either the Greek Cypriot community/partner or the Turkish Cypriot community/partner to exercise control or authority over the other, or to represent the other. Each community/partner elect their own representatives.
- The European Union to take all necessary steps to put an end to the unjustified embargoes and give effect to measures to connect the Turkish Cypriot people with the rest of the World. It must be remembered that part of the restrictions on Turkish Cypriots were dictated in the decisions of the European Court of Justice in the Anastasiou cases where the rationale stemmed from the lack

of ability to cooperate with the Authorities in North Cyprus. Turkish Cypriots must have a closer and direct cooperation with European Union institutions and must not be deprived of the advantages conferred by EU Treaties.

- The European Union and the Member States to establish direct contacts with North Cyprus. Strictly speaking, under the circumstances described in this paper, the emergence of the Turkish Republic of Northern Cyprus has been the result of necessity and, as such, recognition is the right of the state that emerged, resting on the free and democratic choice of the Turkish Cypriot people. But, this is not the issue here. The issue is that the Greek Cypriot side does not have the right to be the government of the Turkish Cypriots in North Cyprus and therefore, a formula has to be found to allow for direct contacts with, and equal opportunities to, the Turkish Cypriot polity, without subordinating it in any way to the Greek Cypriot polity. The non-recognition of the Turkish Republic of Northern Cyprus should not therefore prevent direct contacts with the Turkish Cypriot side. In fact, in the case of Taiwan, the European Union had developed modalities through contacts at the “administrative level” to facilitate trade. Furthermore, the authenticity of North Cyprus documents could be checked by European Commission authorities and not by the Greek Cypriot Administration. The Council Regulation defining the terms under which the provisions of EU law will apply to the green line between the two sides in Cyprus is far from meeting the legitimate interests of the Turkish Cypriot side and the new realities on the island following the referenda on 24 April 2004. It is imperative that the direct trade and financial aid Regulations prepared by the EU Commission go through as proposed by the Commission.

The European Union to provide technical assistance in upgrading Gazimagosa Port and help in preparing the ground so that newly refurbished Ercan Airport could be opened for international traffic. All these could be done in full compliance with the related acquis with the proviso that this will not be used in any other way than for economic development of North Cyprus.

- The European Union should provide financial and technical assistance for the development of physical and social infra-structural projects, including projects in the electricity sector and a major skills development program to train qualified personnel for the tourism sector. The EU could also provide technical assistance to the Turkish Cypriot side in project preparation, undertaking, feasibility studies and application for aid from EU structural and regional funds. Turkish Cypriot citizens and Turkish Cypriot companies registered in North Cyprus should be able to tender for EU funded projects. Any assistance coming from the EU or from international funds should not be linked, directly or indirectly, to the outstanding property issue.
- The European Union to accept Turkish Cypriot certification to facilitate free movement of peoples and goods. The assistance of the EU to open direct mail, telephone and electronic links between North Cyprus and EU as well as the rest of the World will also provide a major step towards the ending of the isolation of the Turkish Cypriot people who have proven their readiness to be the part of the EU and the World.
- The European Union to open an Office in North Cyprus to facilitate direct relations. Such an Office should also provide technical assistance for harmonization with the acquis. It should also function as a Paying and Audit Agent to facilitate transfer of EU funds for the economic development of the Turkish Cypriot people.

The Turkish Cypriot side could itself contribute to efforts to bring stability and resolution by doing, among other things, the following:

- Initiate a process, together with the European Union Commission, to harmonise the Turkish Cypriot legal, economic and political system with the European Union acquis.
- Reorganise its administrative and legal infrastructure in order to improve efficiency and compatibility with EU and international norms.
- Assist in combating illegal immigration, terrorism, drug trafficking and money laundering as well as other threats to public order and public/international security.
- Create effective domestic remedies in North Cyprus especially as regards issues relating to property and public order.
- Look forward to a new cooperative relationship with the Greek Cypriot side on all issues as two good neighbours and as the two co-owners of the Island.
- Make sure that the territory under its control continues not to be used for any subversive or terrorist activity against the Greek Cypriot side or any other neighbouring country.
- Work towards a customs union agreement with the Greek Cypriot side and with Turkey in parallel with its harmonisation process with the European Union.
- Remain committed to settling the outstanding property issue in a way that would satisfactorily compensate legitimate property owners.

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 CONCLUSION

As also stated by the United Nations Secretary-General on several occasions, a balanced comprehensive settlement plan for Cyprus requires visionary and bold political leadership on both sides of the island, as well as in Turkey and Greece, all of which have to be in place at the same time and to actively engage in the resolution process with determination in order to secure the needed balanced compromises for settlement. They all have to work hard to convince their respective peoples of the needed compromises and the benefits of a partnership settlement. While the political leadership in Turkey, the Turkish Cypriot side and to some extent Greece demonstrated that they were ready to grasp the opportunity, the political leadership on the Greek Cypriot side remained in the grip of selfish ethno-nationalism in spite of a concentrated effort by the international community, including some heavy weights like the USA, the EU and Britain. With his track record as a leading nationalist, I do not think that the Greek Cypriot President Tassos Papadopoulos can now change his vision for a Greek Cypriot dominated Hellenic Cyprus and can look upon the Turkish Cypriots as co-owners of the island and their equal partners in partnership.

The sheer size of the Greek Cypriot “no” vote raises fundamental questions and has significant implications, considering that this was the first time that the Greek Cypriot public was being asked to vote on a bi-communal, bi-zonal partnership solution of the problem. The referenda results have shown without doubt that the outstanding majority of Greek Cypriots are calling into question many fundamental aspects of the Secretary-General’s Plan, a culmination of decades of negotiation, including those provisions which translated the political equality of the Turkish Cypriot people into practical terms, bi-zonality, security arrangements and the virgin birth approach. The “virgin birth” design of the Plan allowed each side to maintain its position on how the new state of affairs would come into being since both sides rejected the sole continuity of the other. In his broadcast speech on 7 April 2004 before the referenda, Tassos Papadopoulos was very clear in his challenge to the complete philosophy and fundamental aspects of the Plan when he said:

“We are asked to dissolve the Republic of Cyprus, the only security of our people, the only shield and guarantee of our historic physiognomy—to dissolve our internationally recognised state entity exactly at the very moment this is reinforced through our accession to the European Union I have received a state that was internationally recognised. I will not hand it over as a community, without the right to speak internationally. . .”.

This statement alone reveals the true intentions of Mr Papadopoulos and his supporters who have commanded the 76% majority. This fact alone entitles Turkish Cypriots to reconsider their position about entrusting their fate in Greek Cypriots, even in the context of a new bi-zonal partnership settlement. It is therefore time for both Turkish Cypriot authorities and the international community to start considering and promoting the “next best alternative” (BATNA)<sup>79</sup> for the Turkish Cypriot people, bearing in mind that the Turkish Cypriots cannot give up their distinct identity, political equality, the Treaties of Guarantee and of Alliance, and the needed bi-zonality which, together, are essential for their physical, political and economic survival and security. The existence of a strong Turkish Cypriot BATNA could also deter the Greek Cypriot side, as also pointed out by Prof. Tozun Bahçeli, from pursuing zero-sum strategies and could re-generate mutual interest in partnership based on real political equality.

I would argue that the main reason for the failure of the repeated peacemaking initiatives in Cyprus could be traced to deficiencies in process design. The burden of this shortcoming cannot wholly be placed on the shoulder of the United Nations Secretary-General or his staff. Major international players, including the EU, have contributed to this failure and to the biased circumstances that conditioned the relations of the international community with the two sides. The ignoring of the rule of law regarding Cyprus also contributed to the deficiencies in the process design. For its part, the EU blatantly failed in benefiting from its catalytic capacity in Cyprus and accession was realised without a settlement and under the “time-bomb” claim that the Greek Cypriot administration represents the whole island. Overall, processes were initiated at times that did not match with the existence of a mutually perceived notion of deadlock (mutually hurting stalemate); enough attention was not paid to the need for a level and fair playing field (Turkish Cypriots had to negotiate under embargoes and the claim that the Greek Cypriot authorities represented the whole of Cyprus); windows of opportunity (like the EU membership of Cyprus) that could have equally induced the parties for settlement were mishandled; the root causes of the Cyprus issue were not adequately analysed and addressed; and so-called “confidence building measures” were put into practice that amounted to the dependence, and even subordination of the Turkish Cypriot side on the Greek Cypriot side (like the EU asking Turkish Cypriots to export their goods through Greek Cypriot ports) rather than promoting confidence-building through interdependence—an essential requirement of partnership.

To re-open the door for settlement, I would therefore suggest as a starter that the shortcomings that have undermined the negotiation processes so far be remedied—starting with the lifting of all embargoes on North Cyprus, and, parallel to this the political empowerment of the Turkish Cypriot side as an equal party in Cyprus.

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<sup>79</sup> Fisher, Roger & William Ury, *Getting to Yes, Negotiating an agreement without giving in* (Arrow Business Books, 1996), pp 104-111.

As the UN Secretary-General has pointed out in his 28 May 2004 Report, the Greek Cypriot leadership is challenging the fundamental aspects of his bi-communal, bi-zonal partnership plan and there is no justification under these circumstances for isolating the Turkish Cypriots and impeding their development. The Greek Cypriots must be stopped from holding the Turkish Cypriot people their political and economic hostage.

Finally, I would argue that we cannot develop policies and strategies regarding Cyprus in isolation of Turkey and Greece and the region as a whole. It will not suffice to contain or seemingly solve the problem of Cyprus without taking into account the realities of the island and of the volatile region Cyprus finds itself in between Europe and the Middle East, as well as, of course, the reality that Greek Cypriots have connections to Greece and Turkish Cypriots to Turkey. The partnership option of the two equal peoples still seems the best opportunity for Cyprus, but for this option to be realised we must make absolutely sure, in the spirit of partnership and for reasons of balance and sustainability, that neither side is subordinate to the other in the setting up of the partnership and in its functioning. The realisation of this vision will not be possible unless there is island-wide and international consensus on the magnitude and significance of what we are trying to achieve. This necessitates an appreciation of the island-wide, regional and global benefits that partnership between the two peoples and cultures of the island would bring. For the island, this would mean peace, security, stability, prosperity and synergy; at the regional and global level, it would mean the cooperation and partnership of two civilizations that some people have recently chosen to condemn to perpetual obscurity through the dogma called "clash of civilizations". Only an international community acting in unison has the political force to achieve this vision. But, in the meantime, the Turkish Cypriot people must be freed from being the hostages of the Greek Cypriot side and must be treated, as a polity, at par with the Greek Cypriot polity. Put differently, the Greek Cypriot side must be prevented from using its unjustly and illegitimately acquired weight in Brussels to further hurt its ex-equal partner, the Turkish Cypriot people, and to settle scores with its neighbour, Turkey.

*M Ergun Olgun*

*4 October 2004*

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**Letter from the Office of the London Representative, Turkish Republic of Northern Cyprus**

It has come to our knowledge that although Dr Savvides Philippos, a Greek Cypriot in origin, has been invited as a witness to the oral evidence sessions carried out within the framework of the Committee's inquiry into the UK's policy towards Cyprus, Turkish Cypriots have not received any such invitations. I have no doubt that you would appreciate the fact that in order for the inquiry to be evenhanded it has to take into account the views of all parties to the Cyprus issue. I would also like to emphasise that one-sided approaches lie at the core of the intractability of the Cyprus issue.

I hope that for the sake of a sound inquiry, the Committee will invite Turkish Cypriot witnesses to the upcoming oral evidence sessions as it has been done during the Committee's 1987 inquiry into the UK's policy towards Cyprus.

*Namik Korhan*  
Representative,  
Office of the London Representative,  
Turkish Republic of Northern Cyprus

*21 October 2004*

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**Letter from the Chairman of the Committee to the Office of the London Representative,  
Turkish Republic Of Northern Cyprus**

Thank you for your letter of 21 October.

The Committee decided at an early stage in its Cyprus inquiry that it would not hear oral evidence from representatives of the two communities on the island, or from representatives of governments. Instead, the Committee is relying on the written evidence it receives and on the forthcoming visit to Cyprus by a group of its Members to inform it of the views of all parties to the Cyprus issue. I can assure you that, with more than 140 pieces of written evidence so far received, no point of view has gone unrepresented. I am also happy to confirm that, when a group of colleagues from the Committee visits Cyprus next month, it will give equal time to hearing both the Turkish Cypriot and Greek Cypriot viewpoints.

The Committee has heard oral evidence from Dr Savvides, who as you know is a research fellow at an Athens-based institute, ELIAMEP. The Committee will also be hearing oral evidence from Özdem Sanberk, who will be well-known to you as Director of TESEV. We selected each of these witnesses because we have met them before, and we know them to be rigorously academic in their approach to the Cyprus question. Having heard Dr Savvides' evidence last Tuesday, I am reassured that we made the right choice.

For the avoidance of doubt, I repeat that the Committee does not regard any of the witnesses whom it has invited to appear before it as a representative of either of the main communities on Cyprus. Neither has the Committee selected any of its witnesses on the basis of their place of birth. Any suggestion that the Committee's inquiry is "one-sided" or "unsound" is totally without foundation. I can give you my personal guarantee that the inquiry is being and will continue to be conducted with scrupulous impartiality and objectivity.

*Rt Hon Donald Anderson MP*  
Chairman

25 October 2004

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#### **Letter to the Clerk of the Committee from the Turkish Republic of Northern Cyprus, President's Office**

Christopher Brewin was kind enough to send me a copy of his "Memo for Foreign Affairs Committee hearing on Cyprus" of 18 October 2004, following his meeting with the Foreign Affairs Committee on 19 October 2004.

In this memo, Mr Brewin, whom I know personally, refers to one of the proposals I made in my submission to the Foreign Affairs Committee (I had sent him a copy) and states that my "... thesis that the EU should treat Turkish Cyprus as a polity is a non-starter". Mr Brewin argues that this is because "... the EU cannot recognise the TRNC as a self-determining sovereign state, legally competent to choose to become part of Turkey".

I believe the reference of Mr Brewin to this very important point in my submission entitles me to further clarify my proposal, in order to avoid any misconception on the part of the Foreign Affairs Committee.

What I proposed in my submission is completely in line with the word, spirit and vision of the Annan Plan. The Annan Plan, based on the 1959–60 Treaties on Cyprus and the facts on the ground, confirms in its Main Articles that the relationship of the two sides "... is not one of majority and minority but of political equality where neither side may claim authority or jurisdiction over the other" (para iii). As I have explained in my submission, since the Greek Cypriot side and/or its government do not have the right to exercise authority or jurisdiction, both in de-jure and de-facto terms, over the Turkish Cypriot people in North Cyprus, then we have to find a formula to provide for the equal treatment of the Turkish Cypriot side without subordinating it, directly or indirectly, to the Greek Cypriot polity.

For the purpose of clarification, let me labour the subject of equality a little further. The sovereignty of the historical 1960 partnership Republic of Cyprus was clearly defined and restricted by international law (London and Zurich Agreements of 1959) in order to protect the more vulnerable Turkish Cypriot partner. The illegal amendments of the constitution and the violations of the constitutional and civil rights of the Turkish Cypriot people during the early 1960s therefore surpassed the legal scope of Cyprus' sovereignty (ultra vires acts). Furthermore, the institutions of the 1960 partnership Republic of Cyprus were incapable of functioning as of December 1963 as originally designed in the 1960 Constitution. From December 1963 on, what pretended to be the "Republic of Cyprus" in fact turned into a de-facto Greek Cypriot regime. If this Greek Cypriot regime is entitled to statehood, recognition and sovereignty, in spite of all its illegal deeds, the Turkish Cypriot side, as a political equal, is equally entitled, if not more, to the same things in order to maintain and safeguard its political equality and parity. In spite of this, the Turkish Cypriot Government has chosen to put this "necessity" aside at this time and instead direct its efforts at achieving a new bi-zonal partnership settlement as two equal political bodies in Cyprus.

Let me also point out in this connection that, strictly speaking, both the so-called "Republic of Cyprus" and the Turkish Republic of Northern Cyprus (TRNC) are illegitimate to the same degree regarding the provisions of the Treaties of 1959, as well as the constitution of the 1960 partnership Republic of Cyprus. Furthermore, the resolutions of the UN Security Council 541/1983 and 550/1984 not to recognise the TRNC as a state are merely political advice and not legally binding. Moreover, these resolutions overlook the fact that illegal acts were first committed by the Greek Cypriot side and it was the failure to serve justice that necessitated the establishment of the TRNC in 1983, 20 years after the violent hijacking of the 1960 partnership state by the Greek Cypriot partner, so that the Turkish Cypriot people would not be left stateless.

Today, 40 years on, the Turkish Cypriot people are still subjected to Greek Cypriot-inspired embargos and international isolation, in spite of the fact that they cannot be subordinated to Greek Cypriot authority and the fact that they have accepted the Secretary-General's new bi-zonal partnership Plan. This injustice has to end, and to end it, we need to break the practices and mentality of the past. Therefore, we have to find new forward-looking remedies that will go beyond the limits of the "black and white" approach that has imprisoned us for so long and explore the grey area (the area between full political recognition of the TRNC on the one extreme, and the denial of the existence of the Turkish Cypriot side as a politically equal party on the other extreme). We should not tolerate the by now "stale" argument that anything we do in the "grey area" would mean "recognition", to be used as an excuse to maintain the unjust and unsustainable state of affairs on the island.

Recalling also the statement of Prime-Minister Tony Blair on 18 May 2004 that “We must act now to end the isolation of Northern Cyprus”, the non-recognition of the TRNC should prevent neither member states nor EU institutions from establishing direct contacts with appropriate Turkish Cypriot authorities. In the case of Taiwan, for example, the European Union has developed modalities through contacts at the “administrative level” to facilitate trade and economic relations, although recognition has not been extended to Taiwan. Similarly, although the US does not recognise Taiwan, it has allowed for the complete removal of the economic and political isolation on it.

I cannot stop myself from making another observation regarding the submission of Mr Brewin. I find his “quick fix” proposal of asking the Greek Cypriot government to authorise the operation of Turkish Cypriot-controlled ports, as well as his call for the authorisation of the Commission to act as an accessory on its behalf, as humiliating and counterproductive. This proposal in fact amounts to the subordination of the Turkish Cypriot people to the authority of the Greek Cypriot government and therefore contradicts the 1959–1960 Treaties as well as the underlying principles of the Annan Plan. The realisation of a new bi-zonal partnership based on the equality of the two sides can only be achieved by the equal empowerment and treatment of both parties, and not by subordinating one party to the other.

My final observation is regarding the point raised by Mr Brewin that if the EU recognised the TRNC as a self-determining sovereign state, it would be legally competent to choose to become part of Turkey. While this is not the objective of the Turkish Cypriot side (or of Turkey), it has to be understood that the insistence of the Turkish Cypriot side on their treatment as an equal party is a Treaty and constitutional right and is also aimed at preparing the ground, in a forward-looking way, for a possible future partnership between the two equal sides on the island. Such a partnership cannot be realised if we allow the political and economic gap between the two sides to grow and to become unbridgeable. This is why the ending of the isolation of the Turkish Cypriot side and its political empowerment as an equal are important.

My appeal to the Foreign Affairs Committee is to resist the temptation of acting on surface symptoms and on propaganda information and instead to focus on a better understanding of the underlying causes of the conflict and the preparation of the ground (for example, levelling of the playing field) for a new sustainable bi-zonal partnership settlement. This is important for stability in the island and in the region, and is in fact a global opportunity to disprove the dogma called “clash of civilisations”.

*M Ergün Olgun*  
Under-Secretary

21 October 2004

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#### **Letter to the Clerk of the Committee from the Turkish Republic of Northern Cyprus, President’s Office**

Further to my submission of 21 October 2004 I would appreciate it if you could bring the following additional points to the attention of the FAC regarding the claim of Mr Christopher Brewin in his Memo of 18 October 2004 that “. . . the EU cannot recognise the TRNC as a self-determining sovereign state, legally competent to choose to become part of Turkey”. I hope these additional points will help in the better evaluation of the validity of this claim:

The 1960 Treaty of Guarantee (to which Gt Britain is a party) prohibits “. . . any activity aimed at promoting, directly or indirectly, either union of Cyprus with any other State or partition of the Island”.

The Turkish Cypriot side and Turkey have strongly supported, and continue to support, the continuation of this prohibition for any form of solution, thus ruling out the possibility of the whole or part of the Island becoming part of Turkey.

Putting this point aside, if the argument of Mr Brewin is valid for the recognition of the TRNC as a self-determining sovereign state, then the argument is equally valid for the recognition of a wholly Greek Cypriot government (the hijacked 1960 Republic of Cyprus) since this would make the Greek Cypriot side legally competent to choose to become part of Greece in contravention to the 1960 Treaty of Guarantee.

The Turkish Cypriot sides’ desire for parity and the equal treatment of their state is to redress the existing imbalance between the two sides in order to facilitate a new partnership settlement between the two equal parties. It is the present unequal treatment of the two sides which is blocking the way for the establishment of a new bi-zonal partnership because, thanks to the indifference of the international community, the Greek Cypriot preoccupation has steadily shifted to the retention of their unjustly acquired monopoly of legitimacy instead of partnership and power-sharing.

The Turkish Cypriot side has repeatedly expressed to the United Nations that it is even prepared to accept a package in which the parity of the Turkish Cypriot state, with the Greek Cypriot state, is recognised as part of the bi-zonal partnership settlement package.

In conclusion, I would like to refer to paragraph 93 of the Report of the Secretary-General on his mission of good offices in Cyprus of 28 May 2004 where he says that to achieve the goal of unification “and for that purpose and not for the purpose of affording recognition or assisting secession, I would hope they (members



of the Security Council) can give a strong lead to all States to cooperate both bilaterally and in international bodies to eliminate unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development, deeming such a move as consistent with Security Council Resolutions 541 (1983) and 550 (1984)".

*M Ergün Olgun*  
Under-Secretary

27 October 2004

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**Letter to the Clerk of the Committee from the Turkish Republic of Northern Cyprus, President's Office**

I hope the Committee's inquiry and contacts in Cyprus went well. There is of course no substitute for face-to-face contact with the concerned parties. It was nice to meet the Committee members (those who travelled to Cyprus) and you during your visit to President Rauf R. Denktash.

After reading through the uncorrected transcripts of the questions asked by Committee members and the oral evidence provided by Dr. Christopher Brewin, Dr. Philippos Savvides, Lord Hannay of Chiswick and Mr Ozdem Sanberk, and especially after listening to the questions and comments of the Committee members during the meeting with the President, I thought several points needed further clarification which, due to the lack of time in your meeting with the President, I was not able to express. Let me point out that I have been a member of the Turkish Cypriot negotiating team since 1994, was the Coordinator of the Turkish Cypriot Technical Committees during the negotiation and finalization of the so-called Annan Plan and took part in the four-party "attempt" to finalize the comprehensive settlement plan in Bürgenstock.

I trust you will bring these clarifications and points to the attention of the Foreign Affairs Committee members.

1. According to the uncorrected transcript of the meeting of the FAC of 2 November 2004, Sir John Stanley asked Lord Hannay "*We have knocked out of the hands of the UN the single most important negotiation card which was EU membership and why do you believe that somewhere down the line there might come a sufficient combination of pressures on the Greek Cypriot Government to, in your own phrase, engage in a realistic way in negotiations?*"

I do not think Lord Hannay provided a satisfactory answer to this question. Sir John Stanley was trying to explore what the sources of pressure could be to induce the Greek Cypriot Government to "... engage in a realistic way in negotiations" after knocking out of the hand of the UN the single most important negotiation card, which was EU membership.

Based on my experience, I can say with confidence that a "sufficiently strong combination of pressures" on the Greek Cypriot Government would be the following:

- Facilitate direct international services and traffic to Turkish Cypriot ports and airports.
- Facilitate direct trade between North Cyprus and EU member countries.
- In view of the overwhelming public refusal by the Greek Cypriot side of the partnership option, start discussing the recognition of the TRNC as the next possible alternative to a negotiated partnership settlement.

In the past, the partnership option looked favourable to the Greek Cypriot side when the recognition of the TRNC looked likely. I am sure that the same will happen this time and they will engage, under the new circumstances, in future negotiations in a realistic way.

In addition to inducing the Greek Cypriot side to engage, the putting into practice of the above-mentioned suggestions would help bridge the economic and political gap between the two sides, help level the playing-field for "fairer" negotiations and, as a consequence, make the realization of a partnership between the two parties more likely.

2. Using its weight in Brussels, the Greek Cypriot side is now insisting that Turkey has to recognize the "Republic of Cyprus" if its accession negotiations are to start and if its EU membership process is to go ahead.

This "insistence" of the Greek Cypriot side is a recipe for disaster and would make the Cyprus question even more insoluble. My reasons in reaching this conclusion are the following:

- The 1959 Zurich and London Agreements provided for bi-national independence for Cyprus resting on the political equality and administrative partnership of the two communities who were given full autonomy in what were strictly defined as communal affairs. These guidelines were enshrined in the 1960 Constitution and the state of affairs thus created was guaranteed by Turkey, Greece and Britain under the Treaties of Guarantee and of Alliance.
- Since the destruction of the 1960 partnership state in 1963 by the Greek Cypriot partner and the usurpation of its title through violence and through unilateral changes to the unchangeable provisions of its Constitution, the Republic of Cyprus has become a Greek Cypriot state.

- The 1959 Agreements, the 1960 Constitution, the 1977 and 1979 High Level Agreements and all UN initiated plans for Cyprus (including the latest Annan Plan) prohibit any one side to claim or exercise authority or jurisdiction over the other. This has also historically been the reality on the ground in Cyprus.
- In translating these facts and legal requirements into the process of coming into being of a possible new partnership state, Secretary-General Kofi Annan concluded that the settlement needed to provide elements of continuity for both sides into the new state of affairs, and also that the settlement needed to be the source of legitimacy for all matters in the future. This approach constituted the foundation of the Annan Plan.
- This approach naturally rules out the possibility of the one hundred% Greek Cypriot “Republic of Cyprus” being the sole source of legitimacy and continuity for a possible future partnership.  
All of these facts, together with the fact that in the absence of a legitimate joint authority neither the Greek Cypriot people nor the Turkish Cypriot people can claim authority or jurisdiction over the other, constitute the reasons why the Turkish Cypriot people and Turkey have refused to accept the Greek Cypriot-usurped “Republic of Cyprus” as the legitimate authority for the whole island.
- The Greek Cypriot ploy now is to use their unjustly acquired advantageous position in Brussels, and through exploitation of the EU preoccupation of the Turkish government, to realize what they have failed to achieve in 1963 and 1974.  
But like the 1963 and 1974 ploys, this cannot succeed and cannot bring peace, stability and settlement to Cyprus because it rests yet again on the forced deprivation of the Turkish Cypriot people of their political equality and of what the UN Secretary-General has named the separate and equal “inherent constitutive power” of the two sides.
- The Greek Cypriot insistence that Turkey should recognize the “Republic of Cyprus” as the legitimate authority for the whole of Cyprus, therefore, is a challenge to the basis of the 1959 Agreements, the 1960 Constitution, the 1977 and 1979 High Level Agreements, all UN settlement plans for Cyprus (including the latest Annan Plan) and, most important of all, the historic realities on the ground.
- In any case, Turkey cannot recognize the 100% Greek Cypriot “Republic of Cyprus” as the sole legitimate authority for the whole of the island, because this violates its commitment under the Treaty of Guarantee which obliges it to protect the state of affairs of 1960, which, in turn, is based on the equal political rights and “inherent constitutive power” of the Turkish Cypriot people.
- The above-stated are the reasons why the said Greek Cypriot insistence is a recipe for disaster and will not serve the purposes of peace, stability and sustainable settlement in Cyprus and in the region.

3. No doubt, the Cyprus question needs to be resolved as early as possible for peace and stability on the island and in the region. This is also necessary for the enhanced role of the EU in the Eastern Mediterranean after the latest wave of enlargement, and for the smooth membership process of Turkey.

To achieve this in a win-win manner, and especially in view of the proven Turkish Cypriot / Turkish commitment to a new bi-zonal partnership settlement based on the political equality of its two constituents, a new game plan is required that will include the new dynamic and catalytically factors outlined in paragraph 1 above.

*M. Erügn Olgun*  
Under-Secretary

*12 November 2004*

**Further written evidence submitted by the Turkish Republic of Northern Cyprus, President’s Office**

LETTER TO THE CLERK OF THE COMMITTEE FROM M. ERGÜN OLGUN, UNDER-SECRETARY

Sorry for replying late due to my absence from office. I am on leave of absence until 24 January 2005.

I am enclosing a breakdown of the 2004 referendum results by district. Because we do not discriminate between our citizens (those eligible to vote or be elected), we do not keep separate statistics based on where voters were born.

A survey was conducted, however, by a friend of mine (an academician) on the voting patterns of 28 villages and 12 quarters where over 90% of the residents acquired TRNC citizenship over the last 30 years. He found that only 45% of these voters supported the Annan Plan, in spite of the fact that the Turkish government strongly supported the UN Plan and encouraged TRNC citizens to support it also. This finding is corroborated by the referendum results I have enclosed because the Iskele district, which is mostly populated by citizens who have acquired citizenship over the last 30 years, had the lowest percentage of Yes votes.

Having said the above let me also point out that Turkish workers and residents have significantly contributed to the economy of North Cyprus over the last 30 years. While the construction sector is totally dependant on Turkish construction workers, the agricultural and tourism sectors depend largely on human resources from Turkey. The Turkish Cypriot economy would collapse completely without the Turkish workforce, the presence of which has now become an integral part of its economic infrastructure. Per capita income in the Turkish Republic of Northern Cyprus has significantly increased over the last two years and is now calculated to have reached 7,500 US Dollars. TRNC citizenship laws allow those who have fulfilled legal requirements (which includes five years of permanent residency and a clean police record) to apply for and acquire TRNC citizenship.

In a study released in late 2003, the British Helsinki Human Rights Group criticized the Parliamentary Assembly of the Council of Europe for stating in a report that it published on 24 June 2003 that settlers in Northern Cyprus are coming from Anatolia “one of the least developed regions of Turkey” whose “customs and traditions differ significantly from those present in Cyprus”. The British Helsinki Human Rights Group study pointed out that the Parliamentary Assembly of the Council of Europe Report “expresses the kind of racist sentiments supposedly deplored by the Council of Europe”.

Nicos A. Pittas, a Greek Cypriot political analyst writing for the Cyprus Mail had the following comments in his article of 29 August 2004 regarding what Greek Cypriots call “settlers”:

“He (Mr Papadopoulos) also wails that the Annan Plan allows some settlers, a lot of settlers, maybe even all the settlers to stay. So What? If Cyprus needs something almost as much as water, it is cheap labour . . . We already import tens of thousands of foreign workers from all over the world to do our . . . work, so what is so awful if some of them are Turks? In any case given that we are now in the EU and someday probably so will Turkey with resulting mobility rights throughout the EU including Cyprus, what is so catastrophic with permitting 50,000 Turks, most of whom have lived on Cyprus for most of their lives, to stay?

I hope and expect that the FAC will recommend the lifting of all restrictions on direct trade and travel to North Cyprus (including the opening of Ercan airport to international traffic) and the political empowerment of the Turkish Cypriot side to match its political equality.

With best wishes for the New Year.

*M. Ergün Olgun*  
Under-Secretary

12 January 2005

#### 2004 REFERENDUM RESULTS IN THE TURKISH REPUBLIC OF NORTHERN CYPRUS

<i>Districts</i>	<i>“Yes” % of vote</i>	<i>“No” % of vote</i>	<i>Number of “yes” votes</i>	<i>Number of “No” notes</i>
Lefkosa	70.74	29.26	26,907	11,129
Magusa	63.23	36.77	19,877	11,561
Girne	63.00	37.00	13,744	8,072
Guzelyurt	64.55	35.45	10,660	5,854
Iskele	55.14	44.86	6,514	5,300
TRNC Total	64.96	35.04	77,702	41,916

#### Written evidence submitted by Cypriot Forum for Labour

Notwithstanding the fact that holding two separate referenda on the Annan Plan is divisive, nevertheless, had the Annan Plan been approved by both Communities in Cyprus, then and only then, could the UK continue to back it. It should be noted that the Greek Cypriots who form 82% of the island’s population rejected the Plan by a majority of 76%. The Turkish minority of 17% who mostly approved the Plan included also the illegal immigrants from Turkey who are always aided and abetted by Turkey’s occupying forces. The Annan Plan was rejected by the vast majority of Cypriots because it was unjust and unworkable and it would have rendered Cyprus a tripartite protectorate of Britain, Greece & Turkey. Her Majesty’s Government should therefore accept the people’s verdict.

The Republic of Cyprus is a full member of the European Union. The division of the Republic is the direct result of the illegal occupation by Turkey of almost 40% of the Republic’s territory. (This fact has been confirmed in a series of UN Resolutions, which aim for the withdrawal of Turkey’s troops of occupation. The UK is a signatory to these UN Resolutions.) In addition, the case of the Federal Republic of Germany should not be ignored as a relevant example. In the context of EU recognition and diplomatic relations it was only the Federal Republic, which was recognised before the re-unification of Germany. East Germany was excluded from the EU, until the re-unification of Germany.

The role of the UK in Cyprus should not merely be that of a referee between the two Communities for the following reasons.

- (a) The essence of the Cyprus issue is that of illegal military invasion and continued occupation of part of its territory by Turkey.
- (b) The United Kingdom is bound by International Treaty to defend the independence and territorial integrity of the Republic of Cyprus.

As the Annan Plan has been rejected by the vast majority of the people of Cyprus it cannot and should not be re-presented in its present form. Mr Blair's recent suggestion that the rejected Plan is "the best way forward" is unfortunate. While we appreciate Mr Blair's concern, we suggest that he takes constructive steps to improve the Plan so that it becomes acceptable.

The British Government should not seek to alter its relationship with the northern part of the Island, because in so doing it would

- (a) Contravene its treaty obligations towards the internationally recognised legal Republic of Cyprus.
- (b) It would imply some form of recognition of an illegal state and quisling government imposed on the area by the illegally occupying Power, namely Turkey. Therefore, there should be no upgrading of the relationship because of the legal repercussions, which by implication could lead to the recognition of the illegal regime.

So long as Turkey continues its illegal occupation of part of the territory of the Republic of Cyprus in contravention of the UN Resolutions, the EU's relations with Turkey should not and cannot improve. As long as the illegal occupation of the territory of a member country of the EU continues, the EU should not enter into any closer relations with Turkey because it would imply deviation from the hitherto Legal and Moral systems and Principles of the European Union.

*George Hajifanis*

Vice Chairman, Cypriot Forum for Labour

13 September 2004

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#### **Written evidence submitted by Organisation of Relatives of Missing Cypriots (UK)**

We note with great interest your decision to conduct an inquiry into UK policy towards Cyprus, in the light of recent developments.

The issue of the missing people of Cyprus represents one of the most significant violations of Human Rights in recent history. It has been the subject of several UN Resolutions. The Committee of Missing Persons was set up by the UN in 1981 in order to facilitate a solution, but failed so far. The 1997 Agreement on the missing between Mr Clerides and Mr Denktashh has not been implemented. The decision of the European Court of Human Rights of 2001 has not been implemented. Despite the fact that this issue has been conclusively documented by no less an authority than the International Red Cross, all efforts to solve this tragic problem have so far been unsuccessful because:

1. Turkey does not co-operate and instead continues to insist on the application of a methodology that the presumption of death is the solution, rather than a solution based on humanitarian principles.
2. Some powerful international governments not only have they turned a blind eye to Turkey's human rights violations and deficiencies, but are actually aiding her in its efforts to avoid responsibility.

It is fair to say, on the other hand, that the Government of Cyprus has done everything in its power to help achieve a solution to the tragic problem of the missing, including unilateral steps on exhumations and identifications, which were started in 1999 and are still continuing, as well as the establishment of a DNA Data Bank for missing Turkish Cypriots.

We urge the Honourable Members to consider their responsibilities towards the Cypriot people, including the missing and their families.

The Greek Cypriots including the relatives of the missing, more than everybody want a solution since they are the ones with most to lose in its absence, but they want a solution based on fairness, justice, complete freedom and Human Rights and, a genuine reunification of the island.

Yes, the UK policy towards Cyprus ought to change. It ought to become fair and honest. It ought to espouse the principles of international law and justice and apply its considerable influence towards the implementation of human rights.

*N Neokleous*

President, Organisation of Relatives of Missing Cypriots (UK)

13 September 2004

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**Written evidence submitted by Dr Ahmet Djavit An**

As I heard that you, as the Foreign Affairs Committee of the British Parliament, are going to review your government's policy on the Cyprus question and you asked for memorandums on the subject to be conveyed to your Committee, I send attached a recent study of mine which I prepared on the political situation in Northern Cyprus and on the status of the mainland Turkish settlers. It covers the period up to the last general elections and there is no great change since then.

I hope it will give you an insider's look at one of the main obstacles of the ongoing interference to the internal affairs of the Turkish Cypriot community which are made a minority in their own homeland. You have to keep in mind that occupation and the settlers question created by Turkey is one of the main obstacles of the current impasse.

I am ready to give you further information about the other aspects of the Cyprus problem if you wish.

*Dr Ahmet Djavit An*

*13 September 2004*

**The Turkish Cypriot Political Regime and the Role of Turkey**

**By Ahmet Djavit An**

EUROPEAN MOVEMENT—CYPRUS COUNCIL

Nicosia

March 2004

This Report has been sponsored and published by the Cyprus Council of the International European Movement in the context of its program for the development of Civil Society in Cyprus.

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**The Turkish Cypriot Political Regime and the Role of Turkey**

**ABOUT THE AUTHOR**

Ahmet Djavit An was born in 1950 in Nicosia. After completing his elementary and secondary education there, he pursued medical studies in Turkey. He graduated from the Cerrahpasha Faculty of Medicine of the University of Istanbul in 1975.

He specialised in Children's Diseases and received his diploma in 1981 from the University of Leipzig in Germany. Since 1982 he has been working as a paediatrician at his private practice in Nicosia.

He was the Turkish-Cypriot Coordinator of the Bi-communal Movement for an Independent and Federal Cyprus formed in 1989. After waiting 11 years, in February 2003 Ahmet Djavit-An won his case against Turkey at the European Court of Human Rights vindicating his right to freedom of assembly which he was denied because of his advocacy of more contact between the two communities in Cyprus.

He was the one of the founders and the Secretary-General of the Administrative Council of the Turkish-Cypriot Union of Private Doctors between 1984 and 1996. He also participated as the Turkish Cypriot coordinator at the Committee for the Cooperation of Cypriot Medical Professionals, active between 1989 and 1992.

He was the founding Secretary-General of the Turkish Cypriot Union of Artists and Writers in 1990.

In October–November 1991 he was granted a CASP scholarship pursuant to which he spent a month at the Washington Hospital Center and a month at the General Paediatric Ambulatory of the Children's Medical Center, Washington D.C., where he met various members of the U.S. Congress and informed them about the Cyprus Problem.

Since 1971 he has been writing articles and studies on the Cyprus Problem and the history of the island in newspapers and journals in Istanbul and Nicosia. He has already published the following books, in which he has brought together some of his previously published works about the history of the Turkish Cypriots in the political and cultural fields:

1. *The Stormy Years in Cyprus (1942–1962)*, Nicosia 1996, 175 p.
2. *The Rebellions and the Struggle for Constitutional Representation in Cyprus (1571–1948)*, Nicosia 1996, 124 p.
3. *The Formation of the Turkish Cypriot Leadership-The Process of Making a National Community out of a Religious Community (1900–1942)*, Nicosia 1997, 286 p.
4. *The List of Turkish Language Books Published in Cyprus (1878–1997)*, Ankara 1997, lisp.
5. *Notes on the Development of Cypriot Awareness*, Nicosia 1998, 151p.
6. *Articles on Turkish Cypriot Culture*, Nicosia 1999, 263 p.
7. *Backstage of the Cyprus problem: The British bases and the American installations on the island*, Istanbul 2000, 92 p.
8. *Quo Vadis Cyprus*, Istanbul, June 2002, 348 p.
9. *The biographies of celebrated Turkish Cypriot personalities, Volume I (1782–1899)*, Ankara 2002, 502 p.
10. *Big Games on a Small Island, Cyprus: Separatism, federal solution and the EU membership*, Istanbul 2004, 167p.

Dr. Djavit is a member of the Cyprus Council of the International European Movement.

## INTRODUCTION

The current Turkish Cypriot political regime traces its origins back to the 1960s. Certainly the core leadership of the Turkish Cypriot administration of 2004 draws heavily from the period of intense interethnic conflict of 1963–64 that brought down the Constitutional structure of 1960.

Mr Rauf Denktashh was a key figure in the militant nationalist separatist organisation known under the acronym TMT that was organised equipped and ultimately controlled by the Turkish government of the day and its military establishment. That same Mr Denktashh continues today to be the leader of the political regime of north Cyprus, and his regime is still under the effective political and economic control of Turkey. Despite the vocal opposition that was expressed against Mr Denktashh before and during the elections of December 2003, it soon became clear that Mr Talat who had given expression to such opposition became co-opted by the Turkish establishment. Mr Talat's coalition "cabinet" includes Mr Denktashh's son, Serdar, as "minister of foreign affairs" and "deputy prime minister," and is sworn before Mr Denktashh senior, who continues to preside over the north Cyprus regime. The most troubling characteristic of the regime however, is still the practice of reserving all important political and economic decisions to a so called "Coordinating Council" at least half of which consists of Turkish government and military officials and appointees stationed in north Cyprus.

The state of affairs in north Cyprus stands in marked contrast to the developments in the southern part of the island. Any direct influence and control by Greece over the Greek Cypriot political establishment drastically decreased in the late sixties, and was eliminated in the early 70s. An attempt in July 1974 to re-establish such control failed. The 1974 Greek-government-organized coup against President Makarios however, did provide the Turkish Government with the opportunity to intervene in Cyprus. Under the provisions of a treaty of guarantee that was part of the 1959-1960 London and Zurich agreements that had given birth to the Republic of Cyprus, Turkey invaded with a force of more than 30,000 troops.

By all objective assessments Turkey carried its 1974 military intervention beyond any arguably legitimate rights as a guarantor power, establishing a permanent military occupation of northern Cyprus and displacing about 250,000 Greek and Turkish Cypriots from their homes in a previously ethnically mixed island. The more than 170,000 ousted Greek Cypriots from the north were replaced with more than 100,000 settlers from mainland Turkey. Such settlers have little in common with the Turkish Cypriots. They maintain very different cultural and social habits, and they often follow a strict Islamic tradition that clashes with the distinct western style secularism of the Turkish Cypriots.

Turkey's military occupation of north Cyprus continues to this day with the presence of more than 35,000 Turkish troops. A further tragedy is the emigration of more than 40,000 Turkish Cypriots who have fled since 1974 to European and other destinations.

This profound change in demographics inevitably forms the background of this and any other study of the politics of north Cyprus. The continuing influence and control that the Turkish government and its military intelligence establishment wields over north Cyprus is illustrated here by reference to data compiled in many instances by agencies of north Cyprus and documented in the most part by reliance upon Turkish Cypriot and mainland-Turkish media reports.

The first section of this study poses the question of how many Turkish Cypriots remain on Cyprus. The second section focuses upon the issue of who governs the Turkish Cypriots. The third section examines the background and the results of the elections of 14 December, 2003.

In essence this study confirms the assessment of the European Court of Human Rights in the case of *Loizidou v Turkey* that Turkey exercises “effective overall control” over the internationally unrecognised “Turkish Republic of Northern Cyprus” which is nothing other than a “subordinate local administration” of Turkey (*Loizidou v Turkey*, Merits, 1996 see paragraphs 44, 52, 56, 56).

This study was made possible by the sustained support of many individuals and organisations of Cyprus Civil Society and especially the Cyprus Council of the International European Movement, all of which continue to work with great dedication for a just and lasting peace among all the citizens of Cyprus.

A.D.  
Nicosia

March 2004

## HOW MANY TURKISH CYPRIOTS REMAIN IN CYPRUS<sup>80</sup>

### INTRODUCTION

Between 1974 and the present Turkey has populated northern Cyprus with more than 100,000 Turkish settlers. This, of course, constitutes an international crime and a violation of Article 49(6) of the 4th Geneva Convention of 1949 which provides that “[t]he occupying power shall not deport or transfer parts of its own civilian population into territory it occupies.” Turkish settlers are given the properties of the evicted Greek Cypriots, are granted the citizenship of the internationally unrecognised TRNC, and vote together with the indigenous Turkish Cypriots such that the election results in northern Cyprus do not reflect the real will of the latter. The Turkish Cypriot leadership considers the settlers—who now make up the majority of the population in northern Cyprus—as members of the Turkish Cypriot community. This is an important consideration since the settlers will be entitled to vote as part of the Turkish Cypriot community in the coming referendum on the Annan Plan which is supposed to let Cypriots decide the future of their divided island.

#### 1.1 *The census of 1960*

The last census covering all of the Republic of Cyprus’ inhabitants was taken on 11 December 1960. The number of Turkish Cypriots at that time was 104,320. Adding the 475 Moslem gypsies and other Moslems, the total came to 104,942. The number of Christians was 473,265. (Census of Population and Agriculture 1960, Government Printing Office, Nicosia, 1962)

#### 1.2 *The total number of Turkish Cypriots immediately before the Turkish invasion of 1974*

Because the Turkish Cypriots left the structure of the Cypriot state after the outbreak of inter-communal clashes at the end of 1963, no census covering the Turkish Cypriots could be conducted thereafter. According to the study of Canadian researcher, Richard A. Patrick, who served as an officer in UNFICYP, entitled “Political Geography and the Cyprus Conflict 1963-1974”, (1976) there were a total of 119,147 Turkish Cypriots living in the Turkish Cypriot settlements on the island. The population estimates of the Greek Cypriot administration put the number at 114,960.

#### 1.3 *The total number of Turkish Cypriots in 1974*

The traumatic events of the summer of 1974 culminated in a Turkish military invasion which effectively divided Cyprus. Shortly after the division, the following information was provided in a report prepared by Mr Ahmet Sami, the secretary-general of the Ministry of Internal Affairs and Justice of the “Autonomous Turkish-Cypriot Administration”, dated 20 October 1974:

“A total of 83,719 Turkish Cypriots live on the territory of the ‘Autonomous Turkish Cypriot administration’. There were 32,039 Turkish Cypriots left in the south. Approximately 10,000 of them are in the SBA, 4,200 in Limassol and in its villages, 12,000 in Paphos district, 2,630 in the Larnaca district, 3,209 in the villages of Nicosia district. It was stated in the same report that until 19 October 1974, about 12,000 Turkish Cypriots had moved to the north”.

According to the information given above, there were 71,719 Turkish Cypriots living north of and 44,039 Turkish Cypriots living south of the partition line, making a total of 115,758. This essentially confirms the estimates published in the Patrick study.

#### 1.4 *First arrivals of Turkish settlers from mainland Turkey*

According to an article published in *Zaman* on 9 August 1977, Mr Hakki Atun, the Minister for Settlement and Rehabilitation of the “Federated State of the Turkish Cypriots”, had declared that 20,934 families, ie 83,650 Turkish Cypriots were settled in the north between 1974 and 1977. As the number of Turkish Cypriots coming from the south was 44,039, the remaining 39,611 persons must have been settlers transferred from Turkey.

<sup>80</sup> This section draws upon material published by the author in his book “Kıbrıs Nereye Gidiyor?” (“Quo Vadis Cyprus?”), published in Turkish, in Istanbul/Turkey, in June 2002, by the Everest Publishing House, pp 318–327.

Turkish settlers were first brought in from Anatolia in October 1974 on the pretext that “they would work in the hotels and gardens left behind by the Greek Cypriots”. In January 1975 the families of Turkish military personnel killed in Cyprus in the war of 1974 were also settled in the north. This practice was extended further to granting houses and plots of land to anyone wishing to settle in Cyprus.

On 10 June 1976 Zaman reported Mr Rauf Denktashh’s response to those in the north who criticised how the resettlement was being conducted, as follows: “It was a matter of uprooting and resettling about 80 thousand people. This magnificent mission was accomplished by human beings, who could make mistakes.”

Mr Denktashh’s statements confirmed that as early as 1976 the number of Turkish settlers almost matched the number of Turkish Cypriots resettled from the south to the north.

### 1.5 Turkish settlers at the end of 1983

In the draft “Second Five-Year Development Plan” prepared by the State Planning Bureau and published in September 1983, it was stated that 91,225 persons were re-settled between 1974 and 1982 on the territory of the “Federated State of the Turkish Cypriots”. As the number of Turkish Cypriot refugees coming from the south was 44,039, the number of Turkish citizens settled in northern Cyprus can be estimated at 47,186. No official statistics were ever published.

The Turkish Cypriot population in 1960 was 104,942 and in 1974 it was 115,758. As of 1974, however, reference to the numbers of the “Turkish Cypriots” also included the Turkish settlers. It is clear that the number of Turkish settlers was constantly rising. A census taken on 26.5.1990 to determine the number of voters before the next general election showed that the “Turkish Cypriot” population had reached 173,224. Mr Rauf Denktashh ultimately revealed why detailed population statistics were never disclosed: “If we disclose them, they will know who came from where!” (Yeni Duzen, 23 July 1993)

### 1.6 The Cuco Report

The Spanish parliamentarian, Alfonse Cuco, Rapporteur of the Committee on Migration, Refugees and Demography of the Council of Europe (CoE), prepared a report on the “Structure of the Cypriot Communities” dated 27 April 1992, which was discussed by the Parliamentary Assembly of the CoE. The Assembly adopted Resolution No 1197 on 7 October 1992, which recommended that the Committee of Ministers instruct the European Population Committee to conduct a census of the island’s population, in cooperation with the authorities concerned, in order to replace population estimates with reliable data. The authorities of the Republic of Cyprus and the Turkish Cypriot administration were requested to keep the arrival of aliens on the island under strict control. Turkey was invited to register at its Cyprus Consulate all Turkish citizens residing and arriving in Cyprus.

It is unfortunate that since then no census has been conducted in the north of the island under international observation; the exact number of Turkish settlers remains undetermined.

### 1.7 The first Turkish Cypriot official census

The results of the first official census conducted by the Turkish Cypriot authorities on 15 December 1996 and evaluated by the State Institute of Statistics in Ankara, were publicized two years later. According to this data, the de facto population of northern Cyprus was 200,587 and the de jure population was 188,662.

The difference between the two was explained by Mr Ahmet Bulunc, Adviser of the State Planning Bureau, who stated that on the day of the census 11,925 persons had declared that their permanent residence was outside the TRNC.

The results of the census were as follows:

Total population	200,587 (100%)
Citizens of the TRNC	164,460 (82%)
Born in the TRNC	137,398
Born in Turkey	23,924
Born in a 3rd country	3,138
Citizens of Turkey	30,702 (15%)
Students	8,287
Employed	12,922
Unemployed	1,327
Other (private business, pensioners, etc.)	8,166
Citizens of a 3rd country	5,425 (3%)



The number of Greek Cypriots living in the north was 384 and the number of Cypriot Maronites 173.

The census does not specify the number of children born in the TRNC to Turkish parents. There is no mention of the approximately 35,000 Turkish soldiers in Cyprus, nor of their dependents. It is further estimated that in addition there are about 25 or 30 thousand illegal workers, pushing the total of the de facto population even higher.

According to information provided by sources who would like their identity to remain undisclosed, approximately 46,000 people have been granted TRNC citizenship since 1974 and 20-25 thousand of those do not live permanently in the TRNC. (Avrupa, 31.1.1998) This number includes famous Turkish politicians and parliamentarians.

Mr Kenan Akin, who originates from mainland Turkey and was the TRNC Minister of Agriculture and Forestry, disclosed that there were 60,000 mainland settlers in the TRNC. (Avrupa, 6.6.1998)

#### 1.8 *By 1998 at least one-third of the population in northern Cyprus consisted of mainland Turkish settlers*

The idea of re-establishing a political party like the “Rebirth Party” of the Turkish settlers (the party had merged with the Democratic Party in 1992) surfaced after the general elections of 6 December 1998. An advertisement published by Turkish settlers read: “. . . nearly one-third of the population at large were cunningly divided and their just and balanced representation in parliament was obstructed.” (Hıriyet-Kıbrıs, 22 December 1998)

It is evident therefore that in the total population of the TRNC the number of those originating from mainland Turkey ranges between 60 and 80 thousand and reaches beyond 100 thousand if one includes the illegal workers.

#### 1.9 *Recent Figures*

Displayed below is the list of passengers arriving at and departing from the TRNC airports and seaports, by year and citizenship.

Year	Arrivals				Departures			
	TRNC	Turkey	Other	Total	TRNC	Turkey	Other	Total
1974	5,098	5,573	1,022	11,693	6,093	4,193	804	11,090
1975	13,365	73,831	6,577	94,043	29,842	51,465	5,943	87,250
1976	30,764	83,440	4,552	118,756	31,454	80,347	4,985	116,786
1977	33,570	108,016	5,113	146,699	34,450	97,142	5,377	137,059
1978	35,449	104,738	8,177	148,364	36,410	103,108	7,802	147,320
1979	47,839	95,095	13,286	156,220	46,858	92,956	12,619	152,433
1980	51,204	69,810	14,793	135,087	53,135	68,727	14,082	135,944
1981	52,933	62,182	15,471	131,216	52,371	44,912	15,512	112,795
1982	49,870	62,058	22,811	134,739	51,764	66,172	22,631	140,567
1983	58,908	78,467	20,467	157,842	66,660	76,386	20,300	157,346
1984	57,929	93,193	18,925	170,767	56,763	90,403	19,511	166,677
1985	53,860	103,791	21,284	178,935	54,599	102,754	21,049	178,402
1986	55,076	105,729	25,763	186,568	55,788	105,492	25,603	186,883
1987	59,602	149,394	36,448	245,444	60,954	149,980	36,995	247,929
1988	60,178	173,351	56,050	289,579	62,243	169,501	53,966	285,710
1989	68,583	214,566	59,507	342,656	68,212	209,837	58,562	336,611
1990	74,681	243,269	57,541	375,491	73,771	541,764	57,615	373,150
1991	66,012	179,379	40,858	286,249	66,627	178,770	40,502	285,899
1992	78,466	210,178	57,440	346,084	80,304	209,045	57,380	246,729
1993	03,669	281,370	77,943	452,982	97,702	281,160	78,876	457,738
1994	109,878	256,539	95,079	461,415	113,012	252,813	94,514	460,339
1995	134,374	298,026	87,733	520,133	136,803	291,058	87,214	515,075
1996	133,072	289,131	75,985	498,188	135,079	286,691	75,337	497,107
1997	138,109	326,364	73,000	537,473	138,884	321,208	71,853	531,945
1998	134,274	315,797	77,230	527,301	134,823	385,466	(*)	519,749
1999	136,210	334,400	79,615	550,225	136,022	407,886		543,908
2000	140,302	347,712	85,241	573,225	141,156	433,408		574,564
2001	127,738	277,718	87,346	492,802	129,585	359,557		489,142
	2,101,392	6,169,734	8,271,126	2,144,914	6,051,233			8,196,147

(\*) Refers to the total number of citizens from Turkey and Third Countries starting from 1998, stated in the Statistical Yearbooks.

The population of the occupied areas for the year 2001 was put at 212,500 in Supplement 5 of the Report entitled, “The Colonisation by Turkish Settlers of the Occupied Part of Cyprus”, of 2 May 2003 (Doc 9799), which was prepared by Finnish parliamentarian Jaakko Laakso in the name of the Committee on Migration, Refugees and Demography of the Parliamentary Assembly of the CoB. The estimated number of Turkish Cypriots is 87,600 (down from circa 115,000 in 1974) and the estimated number of Turkish settlers is 115,000.

#### 1.10 *The actual number of Turkish Cypriots is not known*

The number of Cypriot-born TRNC citizens, 137,398, does not indicate the actual number of the original Turkish Cypriots in the TRNC, because it includes the children of the Turkish settlers.

In an article entitled, “Revelation: Turks have reached 25% of the population Colonization speeds up and changes dimension”, Greek Cypriot newspaper *Fileleftheros* reported that although not all have been given TRNC citizenship, the number of mainland Turks in northern Cyprus has reached 120,000. *Fileleftheros* added that there are clear signs that Ankara has accelerated the process of changing the demographic structure of northern Cyprus radically, both in quantity and in quality.

*Fileleftheros*, relying on information collected and evaluated by various channels, further alleged that “the number of Turkish Cypriots did not exceed 86,800 at the end of 1998. This means that their proportion in the Cypriot population has dropped from 18% to 11%.”

The newspaper continued: “The number of the colonists is already over 120,000 and is between 125 and 128 thousand. According to the Report of the Statistics Department, the Turkish Cypriot emigration wave continues and 54,000 of them have already left. The number of Turkish Cypriots was only 88,200 at the end of December 1997. Instead of increasing they have decreased in number.” (Cited in *Halkin Sesi*, 1.3. 1999)

#### 1.11 *Conclusion*

Since 1974 Turkish Cypriots have become a minority in their own land whilst northern Cyprus remains under the occupation and control of the Turkish military. The demographic structure there has been changed significantly through Turkey’s displacement of 170,000 Greek Cypriots, its mass transfer of settlers from mainland Turkey, and the emigration of Turkish Cypriots to third countries. So much then for Turkey’s respect for international law, in general, and the Hague Regulations of 1907 and the 4th Geneva Convention of 1949 in particular.

## 2. WHO GOVERNS THE TURKISH CYPRIOT COMMUNITY

### INTRODUCTION

It seems that the 50-year-old adventure of Turkey in Cyprus and its relationship with Rauf Denktaş has come full circle. Criticizing the new Turkish government during a visit to the premises of the *Hurriyet* newspaper in Istanbul, Rauf Denktaş made the following statement:

“During the past 40 years You have secretly given arms to a handful of persons, urging them to fight for Turkism and Turkey, and we have spent our lives doing so. Now you cannot say that our struggle was wrong and unnecessary. You have no right to say this.” (*Hurriyet*, 1.9.2003)

### 2.2 *Background*

The Turkish Cypriot community has been under the effective control of the Turkish military since 1 August 1958, when command of the Turkish Cypriot underground organization TMT<sup>81</sup> was given to a mainland Turkish officer. From that day on the plan of the mainland Turkish “deep state”<sup>82</sup> under the code name “KIP” (Kıbrıs İstirdat Planı Gaining Back Cyprus) was put into effect.

The early failures of the Cyprus Republic were not the sole responsibility of the Turkish Cypriots. The Republic of Cyprus was proclaimed on 16 August 1960, but both Greek and Turkish Cypriot leaders refused to fully support the democratic development of the new independent state. The fate of the new republic fell to the hands of the pro-enosis EOKA and pro-taksim TMT members. Civil society was not allowed to develop and the whole political, economic, social and cultural life of the Turkish Cypriot community came under the influence of the official partitionist ideology of the Turkish Cypriot leadership and the paramilitary TMT. The Turkish Cypriot civil administration came under TMT control especially after the inter-communal clashes that began in December 1963.

<sup>81</sup> TMT, which stands for Turkish Resistance Organisation (Turk Mukavemet Teskilati) (Turkish Fighters) was the terrorist organization created by the Turkish Cypriots with British acquiescence, as a reaction to the Greek Cypriot EOKA (Ethniki Organosi Kiprion Agoniston—National Organization of Cypriot Fighters) that initiated an anticolonial struggle against British rule in 1955.

<sup>82</sup> This signifies the Turkish term “*derin devlet*” which refers to a militarybureaucratic complex that controls the Turkish state irrespective of the government that wins the Turkish elections.

In the wake of these events the Turkish Cypriot leadership boycotted the state apparatus of the Cyprus Republic and urged the Turkish Cypriot community to withdraw into small isolated enclaves scattered throughout the island and occupying less than 5% of its total territory. The Turkish Cypriot population thus came under the military administration of the TMT which was commanded by the BayraktarBozkurt<sup>83</sup> (Grey Wolf), who sat at the Turkish Embassy in the Turkish Cypriot sector of Nicosia and governed the districts with the Sancaktars (Standard-bearers). The latter were all mainland Turkish officers.

Following the withdrawal of the Turkish Cypriots from the Republic of Cyprus at the end of 1963<sup>84</sup> and during the period between May 1964 and December 1967 the Turkish Cypriots were governed by the so called “General Committee”—a joint civilian-military organization that took its orders from Ankara. In 1967 there was the creation of the “Turkish Cypriot Provisional Administration”<sup>85</sup>. During the following year, in 1968, inter-communal negotiations started which lasted until July 1974. This period saw the mobilization of opposition forces within the Turkish Cypriot community that were not satisfied with the Turkish Cypriot leadership. At the same time many Turkish Cypriot university students who went to study in Turkey and elsewhere returned to Cyprus with newly popular left-wing ideas.

It was in this new context that at the end of 1970 the Republican Turkish Party was formed and declared its struggle against the “fascism of B.E.Y.”—the acronym that stood for the Turkish words Bayraktarlık (which governed the TMT), Elcilik (Turkish Embassy in Nicosia) and Yonetim (Turkish Cypriot Administration). In a similar gesture the Turkish Cypriot Trade Union of Teachers was formed in 1968 and expressed its resistance against the oppression of the military administration in the Turkish Cypriot enclaves.

The terrorist activities initiated in 1970 against President Makarios and his followers by the fascist EOKA-B, an organ of the Greek junta in Cyprus, reached its peak with the coup of 15 July 1974. On 20 July 1974 Turkey seized this opportunity to invade and partition the island.

The post-1974 rising chauvinist sentiment and the concentration of the Turkish Cypriots in the northern one-third of the island resulted in the declaration by the TMT of the so-called “Turkish Cypriot Federated State” (1975) and later the “Turkish Republic of Northern Cyprus” (1983). Everything was put under the control of Turkey and her military and more than 100,000 settlers were brought in. The Turkish Cypriots became a minority, whereas the continuing presence of 35,000 Turkish soldiers hamstrung the “civilianisation” of the Turkish Cypriot society.

### 2.3 *The National Coordinating Council*

Turkish-occupied northern Cyprus is currently governed by the so-called “National Coordinating Council” (NCC) that exercises supreme power over the legislative, executive and judicial branches of the TRNC. The NCC is comprised of the Turkish ambassador to the TRNC, the commander of the “Turkish Peace Forces,” the commander of the Security Forces (all appointed from Turkey), and the President, Prime Minister and Deputy Prime Minister of the TRNC. The decisions of the NCC are not subject to appeal and are final. The existence of the NCC is evidenced through reports in the Turkish Cypriot press. On 29 February 2000 Avrupa reported that the Minister of Labor had been told that “nothing can happen in this country without our knowledge!”

The editor of Yeni Duzen, Basaran Duzgun, wrote on 8 March 1997 the following about the NCC:

“The National Security Council is a topic of political debate in Turkey. How many people are aware that we in Cyprus also have a National Coordinating Council? How many persons know that this Council meets regularly, takes important decisions which can influence the daily life of the Turkish Cypriots, that it can overthrow the government and form a new one?”

Another report was published in Kibris on 22 December 1995 under the title “Secret meeting at the Palace”. The accusation of Turk-Sen (a Turkish Cypriot trade union) that “the Turkish Embassy is intervening in the internal affairs of the TRNC” related to the attempt to give control of the Electricity Authority to STFA, a private company from Turkey. Wrote Kibris:

“The so-called ‘Coordinating Council’ met yesterday at the Presidential Palace. The meeting started at 11.00 and lasted 3.5 hours without any break. Participating in the meeting were President Rauf Denktashh, Prime Minister Hakki Atun, Lieut.-General of the Cyprus Turkish Peace Forces Hasan Kundakci, Commander of the Security Forces Brigadier-General Ismail Kocman, Ambassador of Turkey in Nicosia Aydan Karahan, Director-General of the Police Attila Say and

<sup>83</sup> The term Bayraktar means main standard or flag bearer, and the term Bozkurt refers to the legendary grey wolf that led the marauding Turkish tribes from Central Asia to Asia Minor and the areas currently occupied by modern-day Turkey.

<sup>84</sup> The withdrawal was in the wake of intercommunal conflict which erupted as a result of a constitutional dispute over the approval of taxation legislation.

<sup>85</sup> After renewed fighting in Kophinou in November 1967 Greece had to withdraw a substantial number of Greek army officers and troops from Cyprus. The Turkish Cypriots then set up the “Provisional Turkish Cypriot Administration” on 28 December 1967. Its basic law provided that until all provisions of the 1960 Constitution were applied Turkish Cypriots living in the enclaves were to be attached to this administration which regulated its own executive, legislative and judicial branches.

other high ranking military commanders. No statement was made to the press after the meeting. But according to reliable resources the meeting dealt with the issue of the privatisation of electricity and 'the relevant statement by Turk-Sen' was evaluated in an extraordinary meeting."

The NCC constitutes an "extra-constitutional" device that essentially circumvents democratic procedures and avoids electoral accountability for its actions. Its role is to ensure that the affairs of northern Cyprus are determined in accordance with the interests of Turkey as interpreted and formulated by the National Security Council<sup>86</sup> in Ankara.

On another occasion, Bulent Akarcali, Deputy President of the mainland Turkish party ANAP, was quoted by Yeni Demokrat (2 September 2001) as saying that:

"Today the TRNC is a republic only on paper. The money, everything goes there from Turkey. Even the Turkish ambassador cannot do anything without the permission of the military commander there. All the large investments in Northern Cyprus are given to tenders, directly in Ankara. This means that Northern Cyprus is governed like a province of Turkey. It is foolish and wrong to think that the Greek Cypriots, the Greeks and other members of the EU do not know this. They know it very well."

### 3. THE GENERAL ELECTIONS HELD ON 14 DECEMBER 2003, IN THE OCCUPIED AREAS OF CYPRUS

#### INTRODUCTION

The elections of 14 December 2003 have been presented by some in northern Cyprus, Ankara and beyond as a manifestation of the political autonomy of Turkish Cypriots from Turkey. This section challenges that assumption by illustrating the continuing crucial role of Turkish settlers and the Turkish military and intelligence establishment. The sad reality is that developments in northern Cyprus remain a function not of the political state of affairs within the indigenous Turkish Cypriot community, but of the balance of power between the various factions in Ankara.

#### 3.1 *Election Results*

3.1.1 Seven political parties participated in the general elections which took place in the occupied northern part of Cyprus on 14 December 2003<sup>87</sup>. The election results are as follows:

The Republican Turkish Party-United Forces (CTP-BG) led by Mehmet Ali Talat (35.18%)	19 seats
The National Unity Party (UBP) led by Dervis Eroglu (32.93%)	18 seats
The Democratic Party (DP) led by Serdar Denktashh (12.93%)	7 seats
The Peace and Democracy Movement (BDH) led by Mustafa Akinci (14.13%)	6 seats
The National Peace Party (MBP) led by Ertugrul Hasiboglu (3.23%)	—
The Solution and European Union Party (CABP) led by Ali Erel (1.97%)	—
The Cyprus Justice Party (KAP) led by Oguz Kalelioglu (0.60%)	—

3.1.2 The Turkish Cypriot political parties were divided into two camps: CTP-BG, BDH and CABP were supporting a solution to the Cyprus Problem on the basis of the Annan Plan and membership of the European Union. The other parties, UBP, DP, MBP and KAP were supporting the status quo.

<sup>86</sup> The National Security Council (NSC) was established in Turkey in 1962 by special law. It was supposed to be an organ that would help the Cabinet take decisions on questions of national security. It convenes every month and whenever necessary under the presidency of the President of the Republic of Turkey and includes certain ministers, the Chief of Staff, and the three Commanders of the Land, Sea and Air forces. The 1962 law was amended in November 2003 and the NSC was turned into an advisory body. Nevertheless, it continues to carry weight in Turkish political life. For example, there is an NSC representative sitting in as a member of the Supreme Councils of the Universities and Radio-TV Stations. No law, regulation or international agreement entered into by the Republic of Turkey may contradict the policy laid down in the "Red Book" prepared and reviewed every year by the NSC.

<sup>87</sup> For a profile of political parties in northern Cyprus see Annex I.

3.1.3 Out of the 50 members of parliament four are Turkish settlers:

- Nun Cevikel (CTP-BG), born in Mersin
- Bayram Karaman (CTP-BG), born in Bitlis-Tatvan
- Kemal Yilmaz (UBP), born in Adana-Kozan
- Mustafa Gokmen (DP), born in Trabzon

3.1.4 14 members of parliament are medical doctors (six CTP-BG, four UBP, three DP, one BDH) and two are dentists (one UBP, one DP). Only three members are women (one CTP-BG, one UBP and one DP). The participation rate in the general elections was 86.48%.

### 3.2 *The Right Forecast*

3.2.1 The election results showed that the parties supporting a solution (CTP-BG, BDH, CABP) received 50.45% of the vote whilst the parties supporting the status quo (UBP, DP, MBP, KAP) received 49.55%. (Kibris, 17 December 2003).

3.2.2 It is interesting to note that there were two right forecasts about the outcome of the election before it actually took place. Serdar Denktashh, leader of the DP, announced at a party meeting the results of a public opinion poll as follows: Parties supporting the Annan Plan would take 51% and the pro-TRNC parties would take 49% of the vote. (Ortam, 6 October 2003)

3.2.3 Mr Thomas Weston, the Cyprus Coordinator of the State Department, spoke at a panel discussion organized by Johns Hopkins University and said the following: “I will not say my view about which party should win in the elections on 14 December. But many Turkish Cypriots support the Annan Plan and its provisions. I don’t know if they make up 51% or 49%. But a significant proportion of the Turkish Cypriots will show their will favoring the Annan Plan. That is more important than the result.” (Kibris, 4 December 2003).

### 3.3 *Some Challenges*

3.3.1 Rauf Denktashh criticised Guenther Verheugen in a written statement. Mr Verheugen had said that new citizens were being created so as to manipulate the TRNC elections. Mr Denktashh said that this allegation was baseless since the citizenship grants had been made in accordance with Law No. 25/96. (Halkin Sesi, 23 November 2003).

3.3.2 Rauf Denktashh stated that Turkey was not interfering in the forthcoming general elections of 14 December. He said: “Turkey has the right to interfere. . . I’m not saying this in order to invite you to interfere. Turkey secured these rights with the 1960 Agreements, the right to keep the balance between Turkey and Greece and the right not to allow Cyprus to become an EU member before the accession of Turkey. There are people in Cyprus who try to abolish these rights. Turkey has the right to say: “You cannot do this. We defend and we shall defend them.” (Kibris, 10 December 2003).

3.3.3 Abdullah Gul, the Deputy Prime Minister and Foreign Minister of Turkey, stated: “Whoever wins the elections in the TRNC, he cannot behave independently from Turkey. If someone behaves as if Turkey does not exist in matters relating to Cyprus, we shall be distressed. As a guarantor country Turkey shall be the side who will say ‘YES’ or ‘NO’ on a matter related to the Cyprus Question.” (Birlik, 16 December 2003)

3.3.4 Rauf Denktashh criticized Mr Weston who alleged that people originating from mainland Turkey had voted in the elections: “We don’t accept anyone giving us directives about who will be included in the Voter Roll of the TRNC. The CTP-BG and the BDH did not complain about the election results since they received votes from TRNC citizens originating from Turkey. Normal numbers of voters were added to the lists of the last local elections and the opposition did not complain about it.” (Ortam, 19 December 2003)

### 3.4 *Demographic Structure*

3.4.1 It is a well-known fact that in the Turkish-occupied part of Cyprus the demographic structure was changed after 1974 with the transfer of settlers from Turkey, contrary to international law.

3.4.2 A Report was prepared in 1992 by Spanish parliamentarian, Alfons Cuco, for the Committee on Migration, Refugees and Demography of the CoE on the topic of Turkish settlement. Per the Report, between 1974 and 1990 the population in the areas controlled by the Republic of Cyprus increased by only 13.70% whereas the increase in the northern part was 48.35%! (Draft Recommendation, Paragraphs 2 and 3) The same Report mentions that UN Representative Camilion had informed Mr Cuco that 40–45 thousand Turkish civilians had been transferred to the island. (Cuco Report, 27 April 1992, Doc. 6589, Paragraph 85).

3.4.3 Furthermore, 42,000 Turkish Cypriots emigrated from the occupied areas because of various reasons. In 1997, the number of Turkish settlers and their children living in the occupied areas had not been declared officially, but was estimated to be about 100,000. (Ahmet An, “Kibris nereye gidiyor?”, Istanbul 2002, p 324)

3.4.4 The latest report of the Committee on Migration, Refugees and Demography of the CoE (2 May 2003, Doc 9799), prepared by Finnish parliamentarian, Jaakko Laakso, informs us that:

2. It is a well-established fact that the demographic structure of the island has been continuously modified since the de facto partition of the island in 1974 as a result of the deliberate policies of the Turkish Cypriot administration and Turkey. Despite the lack of consensus on the exact figures, all parties concerned admit that Turkish nationals have been systematically arriving in the northern part of the island. According to reliable estimates, their number currently amounts to 115 000. (. . .)

4. In particular, the Assembly expresses its concern at the continuous outflow of the indigenous Turkish Cypriot population from the northern part. Their number decreased from 118,000 in 1974 to an estimated 87,600 in 2001. In consequence, the settlers outnumber the indigenous Turkish Cypriot population in the northern part of the island. (. . .)

5. In the light of the information available, the Assembly cannot accept the claims that the majority of arriving Turkish nationals are seasonal workers or former inhabitants who had left the island before 1974. Therefore it condemns the policy of “naturalization” designed to encourage new arrivals and introduced by the Turkish Cypriot administration with full support of the Government of Turkey.

6. The Assembly is convinced that the presence of the settlers constitutes a process of hidden colonization and an additional and important obstacle to a peaceful negotiated solution of the Cyprus problem.

36. The aim of the Turkish-Cypriot administration’s policy towards the settlers has been to promote their permanent establishment on the island. The settlers are granted housing, land or other properties on special terms. They are issued with a “concession certificate” which they are not entitled to sell or pass to a third party until a period of 20 years has elapsed.

37. The most important measure for the settlers has been the possibility of acquiring Turkish-Cypriot nationality. In 1975, the Turkish-Cypriot administration passed Act No. 3/1975, under which nationality could be given to anyone who requested it and, in particular, to members of the Turkish armed forces who had served in Cyprus and their families.

38. In 1981, complementary provisions were established according to which Turkish-Cypriot nationality can be granted to persons permanently resident in the northern part for at least one year, those who made or could make an important contribution to the economy, or social and culture life, and those who have rendered services to the security forces.

39. Along with citizenship, the settlers get a whole series of political rights including the right to vote and set up political parties.

### 3.5 *The Implications of the Change in Demographic Structure*

3.5.1 The table below shows the increasing number of voters in the various elections which have taken place in the occupied areas since 1974:

<i>Date</i>	<i>Population</i>	<i>Number of Voters in:</i>	
		<i>General Election</i>	<i>Presidential election</i>
20 Oct 74	115,758	—	—
08 Jun 75	126,949	—	—
20 June 76	130,136	75,724	—
20 Jul 76	130,136	—	75,824
28 Jun 81	151,233	84,721	—
28 Jul 81	151,233	—	84,721
23 Jun 85	160,287	93,934	—
09 Jun 85	160,287	—	95,124
22 Apr 90	171,469	—	103,218
26 May 90	171,469	103,218	—
13 Oct 91	173,224	106,303	—
12 Dec 93	177,120	108,370	—
15 Apr 95	181,363	—	113,398
06 Dec 98	188,662	120,758	—
15 Apr 00	188,662	—	126,675

3.5.2 In the last census of 15 December 1996 the de facto population was declared as 200,587 and the de jure population as 188,662 (Yeni Duzen, 28 November 1997).

Out of this population of 188,662, 82% (164,460) were citizens of the TRNC, 15% (30,702) were citizens of the Republic of Turkey and 3% (5,425) were citizens of third countries. But no data was given about those who were citizens of both the TRNC and the Republic of Turkey or about those whose parents were born in Cyprus. The indigenous Turkish Cypriots are already a minority in the occupied north and their number is estimated at around 80,000. The numbers of those with double citizenship (TRNC and TR) already exceed those of the Turkish Cypriots. (Ahmet An, "The status of the mainland Turkish population transferred to Cyprus", Afrika, 3, 4, and 5 September 2003).

### 3.6 *Who Can Be a Voter?*

3.6.1 According to Article 8(1) of the Law of Election and Referendum of the TRNC (No.5/1976), those who are registered in the Permanent Voters' List, whose names appear on the Ballot Box Voters' List and who are over 18 years old can vote. The first "Citizenship Law" of 1975 was amended in 1993 (Law No. 25/1993) so that persons coming from Turkey would receive the TRNC citizenship more easily. Everyone who came from Turkey and settled in the occupied areas was given a TRNC identity card.

3.6.2 In the "Citizenship Law" of the TRNC (No. 25/1993) there are articles which grant citizenship to foreigners by marriage (Article 7), by residency (Article 8), and by decision of the Cabinet (Article 9).

3.6.3 An amendment was made in 1998 (Law No. 12/98) to the effect that the Voter Rolls would be updated every three months with the newcomers and outgoers.

### 3.7 *Official findings of the Parliamentary Commission*

There were certain irregularities in the elections of 1990 when the amended Electoral Law was abused. That is why the TRNC parliament formed a special commission to look into these complaints. The findings were as follows:

- "Just before the election the Electoral Law was amended in a way that does not fit the spirit of democracy and democratic pluralism.
- Despite election time regulations, BRTK (Radio and TV of the TRNC) and TRT (Radio and TV of Turkey) made illegal broadcasts.
- There have been illegal broadcasts using the government radio and television transmitters and reflectors, which affected the result of the 1990 elections. This happened although only the broadcasts read and endorsed by the Supreme Electoral Council were supposed to have been allowed.
- Local and foreign newspapers published articles on election day that are viewed as interference in the elections.
- In order to gain political advantage civil servants were irregularly paid advance salaries one week before the elections.
- There has been domestic and foreign interference in the elections which changed their fate.
- Just before election day and on election day itself, the Immigration Department was opened and citizenships and identity cards were issued. This is considered direct interference in the elections.
- Security Forces joined in acts of flyer and banner destruction, which fall outside their duties.
- Citizens doing their military service are allowed to cast their votes at the voting center closest to their station. However, when the political parties demanded the voter roll plus an account of the districts where such citizens normally vote, they were rebuffed. Therefore, there are well-grounded rumors suggesting that there has been double casting by these people.
- Some candidates were attacked, beaten and their cars were damaged.
- The Supreme Electoral Council does not operate continuously; therefore some people who are not citizens or voters were included in the voter roll and casted votes.
- Foreign officials came to our country and visited villages and advised Turkish Cypriot citizens. This amounted to interference in the elections. (M.A. No. 1:1.1.94)"

\* Reference: Turkish Republic of Northern Cyprus (TRNC), Parliamentary Investigation Committee, 4 June 1997. *Report on the 1990 Elections*, (M.A.NO: 1/1/94).

### 3.8. *Complaints by the Turkish Cypriot Parties about the changing Demographic Structure*

3.8.1 The Republican Turkish Party (CTP) applied to the Supreme Court yesterday in order to open two cases about the illegal citizenships granted to 1,600 persons since the last local election of 30 June 2002. (Ortam, 13 March 2003)

3.8.2 The Patriotic Union Movement (YBH) started a campaign at the CoE against the participation of the mainland settlers in the forthcoming elections of 14 December 2003. Hayati Yasamsal, the President of the Turkish Cypriot Rights and Freedoms Association, also a member of the YBH, visited Strasbourg and met Alvaro Gil Robles, Commissioner for Human Rights of the CoE, and members of the Committee for Immigration, Refugees and Population. He handed over a memorandum of the YBH which complained that the number of the mainland Turkish settlers exceeded those of the local Turkish Cypriots in the Turkish occupied part of Cyprus. (EU-News, Yeni Duzen, 25 June 2003)

3.8.3 YBH applied to the European Court of Human Rights seeking (i) a new and internationally observed census in the occupied north, and (ii) a stop to the granting of citizenships to the Turkish settlers. (Ortam, 16 July 2003)

3.8.4 Alpay Durduran, Secretary of the YBH for Foreign Relations, called a press conference giving information about his party's application to the European Court of Human Rights. (See text in Yeni Duzen, 19 August 2003)

3.8.5 CTP filed a complaint, this time against the Cabinet, the Ministry of Interior, Rural Affairs and Construction, and the Supreme Electoral Council of the TRNC on 10 March 2003 over 1,600 persons who got the TRNC citizenship between 1 July 2002 and 19 February 2003. The State Attorney declared that the number of new TRNC citizens created by cabinet decision was 225 since the last local elections. Among them were Turkish pop singer Murat Gogebakan, Prof Dr Kaya Ozkin, Mayor of Ankara Sinan Aygun, businessman and the leader of the Liberal Party of Turkey Besim Tibuk, and Turkish businessman Jack Kamhi; none of these persons permanently resides in the TRNC. (Kibris, 29 August 2003; for the full list see Kibris, 28 August 2003)

3.8.6 Afrika reported on 7 August 2003 that the TRNC government mobilized as the date of the general elections in December 2003 drew closer. The Identity Cards Department was very crowded and the Prime Ministry of the TRNC ordered the printing of 50,000 Identity Cards in Turkey which would not have the "place of birth" indication in order to facilitate Turkish settlers' access to the free areas of Cyprus. (Kibris, 21 August 2003; see also the Official Gazette of 18 August 2003 which published Cabinet Decision E-1626-2003. The order would cost 8 billion TL without a tender.)

3.8.7 The President of the Peace and Democracy Movement (BDH), Mustafa Akinci, sent a letter to Mr Walter Schwimmer, the Secretary-General of the CoE, and asked for the implementation of a Resolution passed by the CoE for a reliable census to be taken in the occupied areas. Mr Akinci wrote a letter also to Mr Abdullah Gul, Foreign Minister of Turkey, asking for an end to be put to the granting of new citizenships before the forthcoming general elections and informing him about certain instances of interference in the election campaign. The military commanders made political speeches to civilians asking for military mobilization meetings. Mr Denktashh led a meeting in the Karpas region together with the Turkish Ambassador to the TRNC and the Commander of the Security Forces, allegedly discussing economic policy measures. (Kibris, 27 August 2003; for the full text of the letter to Mr Gul see Afrika, 27 August 2003)

3.8.8 Yeni Duzen published the copy of a letter written by the Immigration Officer of the TRNC and dated 25 March 2003, per which the Security Forces had asked for a Turkish citizen of Izmit to become a TRNC citizen even though that person did not have a valid passport or work permit. (Yeni Duzen, 12 September 2003)

3.8.9 The Secretary-General of the CTP, Ferdi Sabit, asked in the TRNC parliament why the list of the thousands of new citizenships granted by cabinet decision (Date: 2 July 2003, No. 1322-02 and Date: 27 August 2003, No. 1848-03) had not been published in the Official Gazette of the TRNC. Mr Sabit said that the President of the TRNC, Mr Rauf Denktashh, had sent a supplementary list of 854 persons whose ancestors were supposed to be Turkish Cypriots to the Voters' Registry of the Ministry of Interior. There was no answer to his questions. (Kibris and Yeni Duzen, 13 September 2003)

3.8.10 The list of 101 persons who were made citizens by decision of the Cabinet (E-1322-2003) on 2 July 2003 was published following a two-and-a-half month delay in the Official Gazette, dated 19 September 2003, No. 117. (See Afrika, 23 September 2003 and Kibris, 25 September 2003)

3.8.11 A secret naturalization list with 299 names was published a few days later in Yeni Duzen; the list included the names of artists, TV stars, ex-ministers and bureaucrats, their wives and sportsmen from Turkey, a great majority of whom were not residing in the TRNC. (Yeni Duzen, 25 September 2003)

3.8.12 YBH made a new representation to the European Court of Human Rights: "Since our last application, the military-civil administration of Turkey and their representatives in Cyprus continue their wrongdoings in violation of international law—wrongdoings which were brought before the Court." The PUM sent another letter to the European Court of Human Rights asking for the discussion of the matter before the elections of 14 December. (Yeni Duzen, 7 October 2003)



3.8.13 The PUM stated officially that the party would not participate in the elections of 14 December 2003: “The PUM will not accept this election and its results which will redecorate the window designed by the rulers and which will be contrary to international law. We call on our people to adopt this struggle.” (Yeni Duzen, 9 October 2003)

### 3.9 *First guess as to the number of Voters*

3.9.1 The speaker of the Supreme Electoral Council, Mrs Ruhsan Borak, declared that about 137,500 voters would be voting in the forthcoming general elections. In the elections of 30 June 2002 the number of registered voters had been 133,943. An increase of 3,600 voters was estimated. About 1,700 were persons who had reached the age of 18 and would be voting for the first time; about 1,900 were new citizens, most of them residing uninterruptedly for more than five years in the TRNC. (Kibris, 22 September 2003)

### 3.10 *Rush of the “New Citizens” to get their Identity Cards*

3.10.1 Afrika reported on 7 October 2003 that about 300 employees of a casino had crowded the building of the General Headquarters of the Police Force in Nicosia to get their certificates of “good character.” Yeniduzen and Kibris wrote on 7 October 2003 that “new citizens” waiting in queue to get their identity cards at the Immigration Office in Nicosia had quarrelled among themselves and the police had to intervene. Kibris, under the title “Citizenship Scandal”, reported that more than 200 persons had visited the Immigration Office and one of them complained: “I’ve been in Cyprus since 1996 and I could not get my citizenship, but those who came three days or two months ago, can get it”. The crowd was the same also in the Outpatient Department of the State Hospital, which used to have no more than 10 visitors a day, but now has 300–400 persons applying for “Health Certificates,” this amounting to more than 5,000 persons in a week.

3.10.2 The Civil Servants’ Trade Union (KTAMS) went on a two-hour- strike at the Immigration Office after the head of the Office had a heart attack and the other civil servants complained of being under pressure to register hundreds of new citizens before the 15 October deadline. (Kibrisli, Yeni Duzen and Halkin Sesi, 10 October 2003)

3.10.3 Mehmet Albayrak, the Minister of Interior, Rural Affairs and Settlement, stated on Kibris FM Radio that he was not aware of all citizenship grants, especially those made by decision of the Cabinet. (Kibris, 10 October 2003)

### 3.11 *Another Appeal to the Supreme Court*

3.11.1 The political parties protested again against the granting of citizenships in abundance before 15 October. For example the Chairman of the Peace and Democracy Party, Mustafa Akinci, applied to the Supreme Court against the Ministry of Interior. He asked for the striking out of those who were granted citizenship after 12 March 2003. The party’s advocate told the press that 3,500 persons were given citizenship since March–April 2003. (Kibris, 11 October 2003)

3.11.2 Even the Deputy Prime Minister, Serdar Denktashh, admitted that the granting of new citizenships caused trouble and should be stopped immediately. On the other hand he said the following at a press conference: “They are all our citizens who have been waiting for months and years to be registered. The Annanist parties make a fuss about the changing of the demographic structure. We have 137,000 voters. Assuming this number were to rise to 139,000, why are they afraid if all 80,000 persons at the demonstration were their supporters?” (Halkin Sesi and Kibrisli, 11 October 2003)

3.11.3 Dervis Eroglu, the Prime Minister, stated that his party has a high number of supporters and did not need new citizens. Since 1998 citizenship was granted to 1,500 persons, whereas during the DP-CTP coalition government more than 2,500 persons had become citizens in 34 months. (Kibris, 12 October 2003)

3.11.4 Rauf Denktashh, the President of the TRNC, told the correspondent of the Anatolia News Agency in Istanbul that many people had waited for years to become citizens. He added that a legal answer would be given to the opposition parties which had seen that they would lose the elections and wanted to put Turkey, the TRNC and the forthcoming elections under suspicion by focusing media coverage on the new citizens. (Kibris, 12 October 2003)

### 3.12 *Patriotic Union Movement*

3.12.1 The Patriotic Union Movement issued a statement criticizing the policy of the opposition parties on the citizenship question, saying: “These parties did not give any support to our complaint to the European Court of Human Rights (about the illegal settlers brought from mainland Turkey) and they accepted the number of 137,500 voters as legal. Now they complain over an additional few thousand voters or they send a letter of complaint to the Council of Europe.” (Afrika, 14.10.200.)

### 3.13 *A Protest Against the Granting of New Citizenships*

3.13.1 15 trade unions belonging to the “This country is ours” platform staged a protest march with hundreds of people plus a two-hour strike in Nicosia against the granting of new citizenships. Later a letter of protest was handed to Taner Erginel, the Chairman of the Supreme Court and the Supreme Electoral Council, condemning the obstruction of the reflection of the people’s will in the ballot. The trade unions of the Teachers for Secondary and Elementary Schools demonstrated before the Ministry of Education, protesting the Minister’s wrongdoings. (Kibris and Yeni Duzen, 15 October 2003)

3.13.2 Mehmet Ali Talat, President of the Republican Turkish Party (CTP), spoke at a press conference about the granting of new citizenship a “quarter of an hour before the elections” and reminded all of the party’s appeal to the Supreme Electoral Council. He declared that the number of voters was estimated as 137,500 on 30 September 2003 and continued saying: “This number increased by 1,700 persons who were granted citizenship by regular procedures and 1,900 persons who were granted citizenship by decision of the Cabinet. This increase is not seen in any other country and it is a crime of the government.” (Yeni Duzen, 15 October 2003)

3.13.3 Mustafa Akinci, President of the Peace and Democracy Movement (BDH), accused Turkish Prime Minister Recep Tayyip Erdogan at a meeting in Mallorca, complaining before the international delegations that Turkey should stop Denktashh’s regime and his supporters who continue to grant new citizenships every day to those who came from Turkey and changed the demographic structure of the TRNC electorate. “Stop this interference with our will!” he said. (Ortam, 19 October 2003)

### 3.14 *Official Nulviber: 140,832*

3.14.1 Taner Erginel declared at a press conference that the number of registered voters including those added one day ago was 140,832. This number was 134,628 in the last local elections of June 2002 and it was estimated to be around 137,500 on 19 September 2003. It was not then clear how many voters would be voting on 14 December. (Kibris, 16 October 2003)

3.14.2 Mr Erginel stated that persons who were granted citizenship between 30 September and 15 October 2003 could be registered as voters during a forthcoming period. Mr Akinci commented on Mr Erginel’s statement and said that the number of voters in the local elections one year ago was 134,628 and had increased by about 7,000 persons. Mr Akinci added that it had been announced that the number of those who had reached age 18 was actually 1,700 which meant that the Ministry of Interior had granted citizenship to a great number of persons in-between. They can give this an appearance of legality, Mr Akinci said, but it is in fact illegal, which is why the BDH had applied to court for an interim decision. We don’t have the details of those 7,000 citizenships, especially how they were granted, Mr Akinci concluded. (Kibris, 16 October 2003)

3.14.3 Mehmet Albayrak, the Minister of Interior, confirmed that in the last two months a lot of citizenships had been granted, and many people had been employed as civil servants even after the relevant pre-election deadline. (Kibris, 17 October 2003) He was to declare later that in the last one-and-a-half months 574 persons had been granted TRNC citizenship.

### 3.15. *Official Number of Citizenships Granted*

3.15.4 Mr Albayrak disclosed that the number of citizenships granted between 1974 and 14 October 2003 totalled 53,904. (Kibris, 23 October 2003)

3.15.5 The details of the citizenships granted after 1994 (numbering 17,293) were given as follows: by cabinet decision: 3,675; by approval of the Ministry of Interior: 7,272; third generation: 2,246; by matrimony: 1,971; citizens of a third country: 1,142; Bulgarian Turks: 987. (Birlik, 24 October 2003)

### 3.16. *Population Estimates of the TRNC*

3.16.1 Serdar Denktashh stated that the population of the TRNC was 240,000 whereas it was 205,000 according to the census of 1996 and 182,120 according to the Supreme Electoral Council! (Afrika, 17 October 2003)

3.16.2 Columnist Arif Hasan Tahsin wrote in Afrika that Memduh Hoca, one of Afrika’s journalists, had learnt from the Census Department that according to the last census the population of the Turkish Cypriots was 68,000 and that 50,000 of them were voters, leaving the number of voters from mainland Turkey at 90,000. (Afrika, 19 November 2003)

3.16.3 Columnist Yalain Bayer wrote in the mainland Hurriyet newspaper that the population of the TRNC is 220,000. 120,000 are mainland Turkish settlers. More than 20,000 persons originate from Turkey’s Hatay province. Then come those from the Black Sea region and Mersin. Out of 141,000 voters, 70,000 are mainland Turkish settlers. (Hurriyet, 16 December 2003)

### 3.17 *False Identity Cards with False Information*

3.17.1 An interesting article appeared in the press: A mainland settler, Bahri Unsal, was noticed at the Ledra Palace check-point with an ID bestowed by the TRNC with a false name, date of birth and birthplace, issued on 14 March 2003. Another settler, Seyithan Tunc, was not allowed to cross the Green Line with a false ID. His birthplace appeared as Akarsu-Paphos, whereas the settler answered that he was from Mardin/Turkey and that Paphos was a place in Mardin! (Afrika, 22.10.03 and Yeni Duzen, 23.10.03)

3.17.2 Some new citizens born in Palestine (four), Egypt (five), Mekka (two), Limassol (two), Sivas (one), Katar (one), Bursa (one), Erdek (one), Silifke (one), Nicosia (one), and Algiers (one) had Mr Mustafa Tokay's address as their place of residence. Mr Tokay was the Adviser to the Prime Minister. There was no comment by either Mr Tokay or Mr Eroglu about this or about whether Mr Tokay's home had been turned into a mansion. (Yeni Duzen, 31.10.03)

3.17.3 On the other hand, a multi-communal Cypriot study group about "Women in the Cypriot communities" scrutinized the Permanent Voter Roll and discovered that 50 voters out of 600 selected at random did not reside at their declared address. (Ortam, 11.11.03)

3.17.4 The District Electoral Council of Famagusta ordered the arrest of two muhtars who had issued false certificates of residence. Various objections to the Voter Rolls resulted in the exclusion of 628 persons from them (Nicosia: 481, Famagusta: 83, Guzelyurt: 43 and Iskele: 21 persons). (Yeni Duzen and Kibris, 18.11.03)

### 3.18 *The Would-be Number of Voters without the "New Citizens"*

3.18.1 A study was published in Yeni Duzen with some information gathered from the Permanent Voter Roll of the Supreme Electoral Council in September 2003:

Number of voters in June 2002	133,652
Died between June 2002–September 2003	1,131
Those died who were not voters in June 2002	16
Number of voters in September 2003	137,011

3.18.2 This means that there was an increase of 3,871 persons registered as voters, whereas the head of the Supreme Electoral Council declared that until 30 September 2003, 473 persons had been granted new citizenship! His explanation was that some people who had the right to vote had not been registered in the lists, had applied later and had been registered! It means that about 3,500 citizens had not voted since 1998 although they had the right to do so and they applied over the past one month to get registered! (Yeni Duzen, 1.11.03)

### 3.19 *Court Challenges*

3.19.1 During the court hearing in the case brought by the BDH it was revealed that the Council of Ministers took a decision on 24 September 2003 (E-2125-2003) to grant citizenship to 1,563 persons in one day and it was decided not to publish this decision in the Official Gazette of the TRNC. (Afrika, 4.11.03) The BDH's lawyer stated that the Council of Ministers granted citizenship to more than 2,000 persons in two meetings of the Cabinet in September 2003. (Kibris, 5.11.03) Only 387 of them had received their certificate of citizenship. (Ortam, 11.11.03)

3.19.2 One day later the court delivered its interim decision in the case brought by the CTP and ruled that 200 out of 301 persons granted citizenship between 30 June 2002 and April 2003 could not vote in the elections of 14 December 2003. (Yeni Duzen, 5.11.03; for the list of those 200 names see Kibris, 6.11.03)

3.19.3 The TAK news agency published data from the Supreme Electoral Council indicating that 3,773 new applications were made for entry into the Voter Roll and 1,228 objections were made to various voters, which were published in the Official Gazette. The candidacy of Mr Oguz Kalelioglu, President of the KAP (Cyprus Justice Party), was declared invalid since he did not fulfill the condition of having resided in the TRNC for three years prior to lodging his candidacy.

### 3.20 *Akinci's Letter to Erdogan and Gul*

3.20.1 BDH leader Mustafa Akinci handed a letter and documents to the Prime Minister of Turkey, Recep Tayyip Erdogan, who was visiting the TRNC and met the opposition leaders at the Saray Hotel in Nicosia. In his letters to Mr Erdogan and Mr Gul, Akinci referred to the fact that the number of additions to the Voter Roll between 1993 and 1998 was 12,136, whereas this number was 23,848 between 1998 and 2003. Although the Protocols signed between Turkey and the TRNC stated that employment in the civil service would be frozen, the government parties had employed more than 1,500 persons for the sake of gaining political advantage. (Kibris, 17.11.03)

3.20.2 Mustafa Akinci gave the same information to the Commission of Foreign Relations and Human Rights of the European Parliament on 18 November 2003 where he was visiting together with the leaders of the CTP and CABP. (Afrika, 19.11.03)

### 3.21 *The Final Voter Roll*

3.21.1 Taner Erginel, Head of the Supreme Electoral Council, announced on 25 November 2003 that the final number of voters who were entitled to vote was 141,471, 639 more than the number of 140,832 which had been announced before. As a result of objections, 862 persons were excluded from the list with the approval of the Council. (Kibris and Afrika, 26.11.03)

3.21.2 Yeni Duzen newspaper published the statement above with the following list on 26 November 2003:

<i>Year</i>	<i>Total number of voters</i>	<i>Increase</i>	<i>Percentage</i>
1976	75,824		
1981	84,721	8,897	11.73
1985	95,124	10,403	12.28
1990	103,218	8,094	8.51
1991	106,303	3,085	2.99
1993	108,622	2,319	2.18
1998	120,758	12,136	11.17
September 2003	137,500	16,742	
October 2003	140,832	3,332	
November 2003	141,471	639	17.17

### 3.22 *Influence of Turkey during the Election Period*

3.22.1 It is a well-known fact that in the aftermath of 1974 Turkey started a policy of Turkification of the northern occupied part of Cyprus. Turkish Cypriot leader Rauf Denktashh was the main culprit in the implementation of this policy. Erdal Andiz, a columnist of Kibrisli newspaper, wrote the following about the influx of the mainland Turkish settlers right after 1974. When he heard that mainland Turkish settlers would be brought to the occupied areas he rushed to Denktashh's residence and complained to him: "Denktashh sipped from his glass of whisky cold-bloodedly and told me: "You will be a Turk." I reacted immediately and said: "They can come here today because I am a Turk." Denktashh retorted in the same cold-blooded manner: "Then you will be more Turkish." (Kibrisli, 29.6.2001)

3.22.2 There has been no change in this policy over the last 30 years. As the Turkish Cypriots left the island for good, mainland Turkish settlers came to settle so as to Turkify the occupied areas. When a delegation of the "This country is ours" platform visited the Prime Minister of Turkey on 30 January 2003 in Ankara, Mr Erdogan responded to the criticism that the Turkish Cypriots are emigrating abroad: "There will be no emigration. If all leave, we have enough people here. We shall send them over." (See Halil Pasa, Afrika, 25.5.2003)

### 3.23 *Activities of the Psychological Warfare Department*

3.23.1 Ali Bayramoglu, a columnist of the Yeni Safak newspaper of Turkey, wrote: "We do not know in full detail the extent of the initiatives of the National Security Council and the Psychological Warfare Department of the General Staff Presidium. But we know something. One of them is the Falcon Psychological Warfare Plan. In a report under the name 'Activities and projects executed by the Executive Directory after the formation of the Psychological Warfare Department', it was underlined that this plan is being implemented with the contribution of the Psychological Warfare Department of the General Staff Presidium under the National Security Council, in order to stop the dissemination of the 'idea of Cypriotism' in the Turkish Cypriot sector of Cyprus. It targets the press and broadcasting organs together with the Turkish Cypriot community, irrespective of who might be in power at a given time. With the help of this plan, the formation of political ideas is obstructed and activities were guided as the opposition was put out of circulation." (Yeni Safak, 30.8.03)

3.23.2 According to the allegations of various columnists, 6 teams of psychological warfare were active in the Karpas region propagandizing against the Annan Plan and the European Union. Officers in civilian clothes who said they were from the Public Relations Department of the Security Forces Command paid visits to some villages in that area where the settlers live. (From the Kibris Postasi webpage, Yeni Duzen, 31.8.03)

### 3.24 *A Newcomer: The Cyprus Justice Party (KAP)*

3.24.1 A retired army officer, Oguz Kalelioglu, who was a mainland Turkish commander in Famagusta during the Turkish invasion of 1974, was sent to Cyprus before the start of the election campaign in order to form a political party which would guide the political will of the Turkish settlers, mainly living in Famagusta district. Kalelioglu was said to be one of the officers who had worked for the National Security Council in the past (Fatih Gullapoglu, Tanksiz Topsuz Harekat, Tekin Yayinevi, Istanbul, p.94-112) and later for the "State Department for Religious Affairs." (Murat Yetkin, Radikal, 30.8.2003)

3.24.2 The Cyprus Justice Party (KAP) was established on 5 June 2003 under the leadership of Oguz Kalelioglu and its headquarters was opened in Nicosia. (Kibris, 2.9.03)

3.24.3 The candidacy of Mr Kalelioglu was cancelled by the Supreme Electoral Council because he did not fulfill the necessary residency requirement. Another six KAP candidates withdrew their names before the elections took place. (Kibris, 13.12.03)

### 3.25. *Some Disillusioned Settlers*

3.25.1 Letter to the editor by Mehmet Bogachan: "After assessing the situation we have realised that we have always been used as an electoral pawn. Maybe we have realized this too late, but I would like to remind you of the proverb that it is gainful to turn from one's mistakes." (Halkin Sesi, 16.5.03)

3.25.2 President of the Veterans' Association of the Cyprus Turkish Peace Forces, Sadan Turkkan: "We have 1,200 members, plus 5,000 honorary members; 82 members of our association have the ID of the Autonomous Turkish Cypriot Administration, but they have not been granted the TRNC citizenship yet." (Kibris, 10.7.03)

3.25.3 President of the Refugees Association of the TRNC, Assistant Prof. Dr. Nuri Cevikel: "We have been exploited in the last 29 years. We have been used by the state authorities. The mainland Turkish sector in the TRNC has lived through a shock. Those who got into power with our help, they will use us during the elections and later we shall be thrown into the dustbin. As citizens of mainland Turkish origin, we don't want to be used any more. We want human rights and the rule of law." (Kibris, 26.7.03)

3.25.4 President of the Refugees Association of the TRNC, Assistant Prof Dr Nuri Cevikel: "We represent today one-third of the Turkish population of the island who were brought in with thousands of promises from various parts of Anatolia since 1975." (Kibris, 25.8.03)

### 3.26 *Direct Financial Influence of the Turkish Government*

3.26.1 According to a report by NTVMSNBC, the Turkish government budgeted financial aid in the amount of 120 trillion TL for November and December 2003. One-third of the budget of the TRNC is supplied by Turkey and Turkey gives a maximum of 60 trillion TL every month. Recently, this amount dipped below 60 trillion. Because of the approaching elections the sum of 120 trillion was given the "go ahead." Already in August 2003 the salaries of the civil servants and pensioners were raised and new personnel were employed by the state, this being reflected in the budget of 2004. The increase in financial aid was assessed by the opposition as indicating support for the Denktashh Administration. (Ortam, 3.12.03). Mr Hasipoglu, Famagusta MP, stated in Parliament that these extra jobs from the 03 Salary Scheme would cost net 5 trillion TL to the state according to the budget of 2004. (Kibris, 27.9.03)

3.26.2 It was reported on 4 December that Abdullatif Sener, Deputy Prime Minister and State Minister Responsible for Cypriot Affairs, would visit the TRNC with another two or three Ministers bringing money before the forthcoming elections in support of the TRNC government. Prime Minister Erdogan intervened and only Mr Sener went to the TRNC on the condition of making balanced statements. (Murat Yetkin, Radikal, 9.12.03) Mr Sener stated that his visit had nothing to do with the election campaign and Turkey would continue to support development projects with the 160 million dollars agreed upon on 24 September 2001. (Kibris 8.12.03 and Halkin Sesi, 7.12.03)

3.26.3 Mr Sener also took part in the foundation-laying ceremony of a tourist complex and a hotel which will cost 45 million dollars and which will be built in the Bafra/Karpas region. The local Turkish Cypriot Chamber of Engineers and Architects and the Union of Constructors protested that the construction plans had not been officially licensed.

### 3.27 *Other Visitors from Turkey*

3.27.1 Aside from Prime Minister Erdogan and Mr Sener, many other politicians (Deniz Baykal, leader of the Republican People's Party; Dogu Perincek, leader of the Workers' Party; Oya Akgunen and Atif Ozbey from the Happiness Party, Saadettin Tantani, ex-Minister; Mustafa Kemal Zeybek, ex-Minister; Sinan Aygun, Chairman of the Ankara Chamber of Commerce accompanied by a delegation of 125 persons that distributed pro-Denkashh leaflets (Mr Aygun was granted TRNC citizenship before, but he was amongst those who were not allowed to vote, because his residence was not in the TRNC); trade-unionists (from

Turk-Is, Kamu-Sen); and retired army personnel (Yasar Spor, Kemal Yavuz, Gultekin Alpugan at the head of a delegation of ex-officers) visited the TRNC to support the existing regime before and during the election campaign. (See various Turkish Cypriot newspapers)

3.27.2 Even the advertising company which had helped the AKP win the elections in Turkey, Arter Reklam Cilik, was helping Mr Eroglu, the Prime Minister of the TRNC, in the election campaign of his governing National Unity Party. (Hurriyet, 5.12.03)

3.27.3 Ordinary people were brought in from Turkey to attend the meetings of the UBP. It was reported that seven buses full of such people were carried by ferry-boat to Famagusta and the expenses were paid by Mustafa Ozbek, leader of the Turkish Metal-Sen Trade Union. (Kibris, 11.12.03)

3.27.4 Kibris reported that the UBP hired people from the poor quarters of Nicosia, eg Kaimakli and the old city, for 20 million TL to populate the Ataturk Stadium during the music festival of the UBP. (Kibris, 21.11.03)

### 3.28 *Military Interference*

3.28.1 Alpay Durduran, Secretary for Foreign Relations of the YBH, commented on the Turkish Foreign Minister's speech that the elections in Cyprus should be democratic. Mr Durduran stated that the armed civil servants of Turkey and the politicians who were elected with the help of Turkey threaten both the political parties and the press. They have all the means to implement their threats. They only look for the appropriate time. We have not forgotten that they executed their threats in the past. Therefore the Turkish government has to tell them that the military should not interfere in politics. (Afrika, 18.8.03)

3.28.2 Ortam reported that a Turkish general together with some 15–20 officers visited the village of Yorgoz (Tepebasi). The imam of the village used the loud-speakers of the mosque to inform the villagers that the commander of the 39th Regiment would come to the village at 14.00 hours and talk to them. They should be ready at the village square in front of the coffee-shop. The general visited the village together with other officers in sports clothes and told the villagers that the Turkish Cypriots and Greek Cypriots could not live together and that the Turkish Army was the true guarantor of the security of the Turkish Cypriots. (Ortam, 20.11.03)

3.28.3 Ortam reported three days later under the title "That's enough!" that another officer, Commander of the 4th Infantry Brigadier Mustafa Erguven, spoke during a ceremony for the new conscripts saying that those Turkish Cypriots who support a solution to the Cyprus Problem were enemy collaborators. (Ortam, 23.11.03)

3.28.4 The complaint of the BDH to the Kyrenia District Electoral Council about the event in Yorgoz was answered through a letter (No. 65/2003, dated 20.11.03) as follows: "We do not have the right to decide about your complaint. If you wish, you can convey your complaint through your party to the attention of the Commander of the Turkish Army in Cyprus and/or to the Supreme Electoral Council." (Ortam, 24.11.03)

3.28.5 Afrika reported that the occupation army in the north was being used to garner votes in the forthcoming elections. Afrika wrote that a 40-page booklet entitled, "The story of the road that leads to freedom", was distributed to the Security Forces personnel and the army. The newspaper asked: "Nobody knows who wrote, printed and distributed the booklet which refers to "the evils of the Annan Plan and how the legendary leader Rauf Denktashh saved the Turks in Cyprus." (Afrika, 7.12.03)

3.28.6 Excerpt from a letter sent to the columnist Mehmet Altan at [www.gazetem.net](http://www.gazetem.net) by a 25 year-old Turkish Cypriot unemployed university graduate: "I would like to refer to an operation executed in the Karpas region—a region mostly populated by Turkish settlers—on the night before the elections. . . On that night, the Turkish generals visited the villages in the Karpas area one by one and told the people that "no vote would be given to the opposition." Incredible threats were aired. Words like this were uttered: "If the opposition wins from the ballot boxes of this region, all of you will be sent to Turkey." If you look at the distribution of votes by region, you will see that these threats helped since the opposition received less than 20% of the vote there." (Ortam, 18.12.03)

### 3.29 *The Role of the Mass Media*

3.29.1 Five mainland Turkish TV channels (TRT-1, TRT-2, Show-TV, ATV, Star-TV) are beamed into Turkish Cypriot homes and other channels can be received via satellite. Almost all the mass-circulation newspapers of Turkey are sold in the TRNC. The mainland Turkish mass media organs were involved in the Turkish Cypriot elections. The local Turkish Cypriot mass media organs were divided into two camps: pro-solution and pro-status-quo.

3.29.2 The state TV and Radio Station BRTK is supposed to be impartial, but is used to propagate the official ideology of the Turkish Cypriot leadership. While the statements of Rauf Denktashh, Eroglu and other pro-status quo organizations were covered in full in the news, the views of the opposition parties and trade unions were either not mentioned or given minimal coverage. Avrasya TV is a new TV channel founded by Mustafa Ozbek, the President of the chauvinist mainland Turkish trade union Metal-Sen. It broadcasts to 42 countries from Nicosia and its views are close to those of the pro-establishment leaders in

Turkey. Kanal T belongs to Ersin Tatar, a chauvinist Turkish Cypriot. Akdeniz TV belongs to Huseyin Macit Yusuf, another chauvinist Turkish Cypriot who owns also the “Volkan” daily newspaper which supports Rauf Denktashh and attacks the pro-solution parties on a daily basis. There are also Radio Guven and Radio Vatan which belong to the Army and defend the status quo.

3.29.3 On the other hand, there are Kibris TV and Genc TV, Radios Kibris-FM, First-FM, Sim-FM supporting a solution to the Cyprus Problem. Below are some election news that appeared in the mass media:

- 3.29.3.1 Mrs Dilek Kirci was sacked from Kanal T. Mrs Kirci was forced by the owner, Ersin Tatar, to support only the UBP candidates in her programme “People’s Assembly.”
- 3.29.3.2 Kanal T censored the statements of Salahi Karpuzcu, the Muhtar of Gonyeli Yenikent and Ahmet Benli, CTP candidate in the elections, when they spoke in favor of the Annan Plan during a programme called “Our Villages.” (Kibris, 22.10.03)
- 3.29.3.3 Ali Tekman, programme presenter at the BRT-Radio and TV criticized, day in day out, the supporters of the Annan Plan as “Annanists” and the teachers who demonstrated for their rights as “black-faced.” He aspires to become a UBP candidate. (Kibris, 22.10.03)
- 3.29.3.4 The “Press Club” programme of the Avrasya TV (ART) was interrupted during a live transmission when the journalist Hasan Kahvecioglu criticized the TV station’s news about the tearing up of a Turkish flag on BDH premises. (Kibris, 28.10.03)
- 3.29.3.5 Basaran Duzgun, editor of Kibris, and Hasan Hasturer, a columnist of the same newspaper, were taken to court after 223 days because of their articles about the events in Doganci village. They run the risk of being punished with a total of 21 years’ imprisonment. (Kibris, 4.11.03) On the complaint of the Security Forces Command new cases were opened against journalists under the pretext that they had humiliated the Security Forces. The names of the journalists to be tried at the military court are Basaran Duzgun, Hasan Hasturer, Suleyman Erguclu (Kibris), Hasan Kahvecioglu, and Mehmet Davulcu (Ortam). Murat Kanatli, the editor of the Yeni Cag weekly newspaper is also being intimidated by the police. (Yeni Cag, 7.11.03)
- 3.29.3.6 President Denktashh commented thus about the press cases: “If they have broken the law, they will go to court.” (Afrika, 6.11.03)
- 3.29.3.7 The Supreme Electoral Council warned all TV and radio stations that it would not punish any of them so long as they treated all parties equally and did not allow unethical phone-ins. (Kibris, 6.11.03)
- 3.29.3.8 Public Opinion Company Verso of Turkey chose 1,500 mainland Turkish settlers out of 2,060 persons it interviewed for a gallup poll. (Afrika, 10.11.03)
- 3.29.3.9 The Supreme Electoral Council cautioned four TV channels (BRT, Avrasya TV, Genc TV and Kibris TV) and put up a telephone line “Alo 178” for complaints by TV-viewers and radio-listeners.
- 3.29.3.10 The Radio and TV Supreme Council of Turkey (RTUK) cautioned the radio and TV stations in Turkey in favor of the free formation of public opinion during the elections in the TRNC and Turkey. (Kibris, 21.11.03)
- 3.29.3.11 Rauf Denktashh phoned in to TV programme “Ceviz Kabugu” of the ATV (Turkey) to support the “national cause.” Serdar Denktashh and Mehmet Ali Talat were the guests of the programme. (Kibris, 2.12.03) The air ticket for Serdar Denktashh was paid by the Tourism Development Fund of his Ministry and Mehmet Ali Talat’s ticket by ATV. (Yeni Duzen, 9.12.03)
- 3.29.3.12 Rauf Denktashh took part in a TV programme of TV8 and supported the government as he criticized the opposition in the TRNC. (Kibris, 8.12.03)
- 3.29.3.13 Tahsin Ertugruloglu, Minister of Foreign Affairs of the TRNC, phoned in to a TV programme of Kanal D of Turkey to humiliate Mehmet Ali Talat. (Kibris, 10.12.03)
- 3.29.3.14 After the prohibition of the circulation of “Star” newspaper the previous day, “Radikal” newspaper of Turkey was prohibited yesterday from circulating in the TRNC, because of its publication of the results of a public opinion poll. (Afrika, 11.12.03)
- 3.29.3.15 Fascist youths blocked the participation of pro-EU parties in TV discussion programme “Siyaset Meydani” to be transmitted live from the Near East University in Nicosia by ATV. (Kibris, 13.12.03)
- 3.29.3.16 Because it did not heed its warnings, Akdeniz TV was prohibited from broadcasting by the Supreme Electoral Council on the morning of the elections until 12.00. (Afrika, 15.12.03)

### 3.30 *The Electoral Law Regulations*

What follows is a list of Turkish Cypriot media reports that refer to instances where the Turkish Cypriot administration did not abide by its own electoral law and regulations in the weeks leading up to the 14 December, 2003, elections.

3.30.1 Rauf Denktashh violated the Electoral Law regulations (Article 80) on the first day of the election campaign when he spoke against the prospect of signing a peace agreement. (Ortam, 16.10.03)

3.30.2 TAK, the official news agency, continues to publish the speeches of Mr Denktashh and Mr Eroglu (17.10.03)

3.30.3 The employees of the BRT, State Radio and TV Station, went on a two-hour strike in protest against the Station which lost its impartiality and supported only the anti-Annan views of the governing coalition parties. (Kibris, 24.10.03)

3.30.4 Serdar Denktashh, Deputy Prime Minister, criticized his partner in the coalition government saying that the UBP had extended public employment to people to gain political advantage. (Kibris, 24.10.03)

3.30.5 Rauf Denktashh made a speech against the Annan Plan at the inauguration ceremony of a mosque in Famagusta. (Afrika, 27. 10.03)

3.30.6 RTP-United Forces (CTP-BG) complained to the Supreme Electoral Council that Mr Denktashh violated the election prohibitions with his speech on the occasion of Turkish Republic Day, 29 October. (See the text of the letter in Yeni Duzen and Kibris, 1.11.03)

3.30.7 The Cabinet distributed 3 86,273,540.426 TL to various organizations by decision No. 141 of 30.10.03. (Kibris, 1.11.03)

3.30.8 Taner Erginel, Head of the Supreme Electoral Council, declared that the President of the TRNC was not immune from the prohibitions of the electoral law. (Afrika, 1.11.03)

3.30.9 The BDH complained against Mr Denktashh at the Supreme Electoral Council alleging that he broke the rules of the election campaign. (Kibris, 5.11.03)

3.30.10 CABP (Solution and the EU Party) complained to the Supreme Electoral Council too. (Kibris, 6.11.03)

3.30.11 Rauf Denktashh: "If there will be elections, does it mean that everyone will stop talking?" (Kibrisli, 6.11.03)

3.30.12 Taner Erginel: "We invite all authorities and political parties to exercise self-control." (Kibris, 9.11.03)

3.30.13 The DP rented 4 planes from a private company in order to transport voters to the TRNC before 14 December. The UBP reached an agreement with the Cyprus Turkish Airline to transport its own supporters. (Yeni Duzen, 11.11.03)

3.30.14 The Supreme Electoral Council ordered the UBP not to use the TRNC or Turkish flags in its propaganda materials. (Ortam, 20.11.03)

3.30.15 The Ministry of Finance paid the November salaries earlier because of the coming Bairam holiday. The 13th salary will be paid on 12 December and the December salary on 30 December. In 40 days a total of 135 trillion Turkish pounds will be paid to "boost" the markets. (Afrika, 21.11.03)

3.30.16 The director of the Grain Commission, Omer Alganer, brought two buses from the Konya District Organization of the AKP (Erdogan's Party) to be used in the election campaign of the UBP. The Demirpolat Firm, which has won the tenders of the Grain Commission since the 1998 elections, paid the rent for the buses which amounted to 50 billion TL. (Kibris, 22.11.03)

3.30.17 120 parcels of propaganda material for the UBP went through customs absent official control or taxing. (Yeni Duzen, 24.11.03)

3.30.18 On the first day of the Bairam the imam of Gonyeli spoke of the "traitors and enemies among us" in his sermon in the mosque. (Kibris, 26.11.03)

3.30.19 Some people woke up on the first day of Bairam to the ringing of their telephones which conveyed the recorded voice of Eroglu's propaganda for his party. (Kibris, 26.11.03)

3.30.20 Flag provocation by the UBP militants in Hamitkoy during the election meeting. They tore the Turkish and TRNC flags and accused the left-wing youth. (Afrika, 1.12.03)

3.30.21 Placards bearing the name "TMT-B" were left at the headquarters of the CTP-BG and the Residence of the British High Commissioner by unknown persons. (Kibris, 2.12.03)

3.30.22 The Dipkarpas Municipality distributed cement and steel bars to the villagers in order to get their votes during the coming elections. The wife of Prime Minister Eroglu distributed packets containing one kilo of beef or chicken in the same region. (Kibris, 3.12.03)



3.30.23 Mr Akinci told a delegation of the Helsinki Citizens' Assembly (from Turkey) that the election campaign is not being conducted in a democratic atmosphere. He called attention to the ongoing amendment of the voter roll, the distribution of jobs, and a campaign of intimidation. Mr Erel of the Solution and EU Party told the same delegation that there was interference in the elections. Even after the deadline for the election prohibitions, about 1,503 persons were taken into public employment. Many people were granted citizenships. (Kibris, 6.12.03)

3.30.24 Unknown persons attacked the election advertisements, party flags, party buildings and cars of the three opposition parties with paint. (Kibris, 6.12.03)

3.30.25 The Turkish newspapers were unloaded from the airplane of the Cyprus Turkish Airways and the "cargo of the Prime Minister" with three tons of election propaganda was loaded instead. (Afrika and Kibris, 7.12.03)

3.30.26 Two Greek Cypriots and a Turkish Cypriot were detained on the evening of 8 December 2003 during the political meeting of the BDH as they were selling newspapers, printed in Turkish and Greek, demanding that the elections be turned into a referendum and supporting the left-wing parties. (Kibris, 9.12.03)

3.30.27 The UBP continued to use the flags of the TRNC and Turkey in breach of the decision of the Supreme Electoral Council (Kibris, 8.12.03). The Supreme Electoral Council banned the UBP's leaflets which were contrary to Article 74 of the Electoral Law. (Kibris, 9.12.03)

3.30.28 The director of the Social Security Department, Huseyin Kansay, was removed from his post by a decision signed by the Minister of Labor, Ahmet Kasif, Prime Minister, Dervis Eroglu and President Rauf Denktashh. Mr Kansay had resisted the order of the Minister of Labor, who had wanted to register 1,500 persons illegally from the Famagusta and Iskele regions for the social insurance benefit scheme, contrary to the directive of the State-Attorney and the State-Auditor. (Yeni Duzen and Ortam, 10.12.03)

3.30.29 Kibris published the list of the newly employed civil servants: 693 positions filled contrary to the law. (31.8.03) The KTAMS (Turkish Cypriot Civil Servants' Trade Union) found out that 1,500 new persons had been employed by the civil service with permanent status (Salary Scale 03), many of them being university graduates. In fact this salary scale is for secondary school graduates. (Halkin Sesi, 10.12.03)

3.30.30 Unsigned leaflets were distributed by unknown persons within the walls of old Nicosia where settlers live. The settlers were threatened with being sent back to Turkey if the opposition parties won the elections. (Yeni Duzen, 11.12.03)

3.30.31 The case brought by the BDH about the granting of citizenship to about 2,000 persons will be examined by the Supreme Court in January 2004. (Kibris, 12.12.03)

3.30.32 Propagandist groups were used yesterday during Friday prayers in the Degirmenlik (Kythrea) mosque, denouncing people who were for a solution of the Cyprus Problem. An ex-Minister from Turkey, Saadettin Tantan, was among the speakers. (Ortam, 13.12.03)

### 3.31 *Observations of the Oslo Group*

3.31.1 During the period leading up to the December 14 elections the Turkish Cypriot opposition, fearing that the Denktashh regime would not conduct fair elections, called for international observers. No proper international monitoring of the elections was however able to be organized. Nevertheless some unofficial monitoring was conducted by individual NGOs during the actual course of the elections. What follows are references in the Turkish and Greek Cypriot press to such attempts at monitoring the December 14 elections.

3.31.2 Under the title "We have some concerns regarding the elections", Kibris (17.12.03) published statements made by the representatives of the Oslo University Law Faculty group who had gone to occupied Cyprus to unofficially observe the 14 December election. Aanund Hylland, Gunner M Karlsen and Elisabeth Rasmusson, the members of the Oslo group, issued a statement stressing that the illegal Bayrak (BRT) television station had wrongly portrayed their view of the elections during a report broadcast in the evening of 15 December. According to the observers, Bayrak broadcast pictures of them together with other foreigners at the office of Mr Taner Erginel, chairman of the Supreme Electoral Council. In its report Bayrak said that the observers had stated that the "elections were just and free" implying that everybody who was in the room agreed. The Oslo group noted that the person who had made this statement did not belong to their group and pointed out that they wanted to be clear that they did not approve of such views. The members of the Oslo group expressed their sorrow over the fact that the Bayrak report had aired none of their views on important issues. Noting that Clement Dodds, Michael Steven (former Member of the British Parliament and lawyer), and the British-Helsinki Human Rights Group, who had said that the elections were well-organised, have been on the island for only four days, Mrs Elisabeth Rasmusson noted that this was not enough time for someone who wanted to express a reliable opinion on the election procedure. Mrs Rasmusson recalled that Mr Michael Steven possesses (Greek Cypriot) property in northern Cyprus. Referring to Mr Dodds, Mrs Rasmusson said that he has written a book about northern Cyprus, but that he is not an expert in observing elections. Therefore, these two persons could not assess the elections, she added. Mrs Rasmusson said that in January 2004 her group would prepare a report, which would include reliable documents and information acquired in the course of their research during their long stay in

northern Cyprus. The written statement of the three members of the Oslo group contains, inter alia, the following: “There are some concerns about the elections in northern Cyprus. In this press release there are only some preliminary elements. BRT created a wrong impression regarding our views in its reportage on 15 December in the evening. Our main concern is that BRT with its reportages supported the ruling parties and it was prejudiced. As a state institution BRT, under the principles of the constitution of the TRNC and international law, bears the responsibility of serving the people without prejudice and without taking sides. The observation we made of the main news bulletins of BRT shows that these obligations were violated.” The statement referred to the arbitrarily granted citizenships and then added: “There were allegedly pressures on the voters so that they would support some specific political parties. These could create an atmosphere, which is not consistent with independent elections.” (Republic of Cyprus, PIO)

3.31.3 Norwegian observers suspicious over election turnout: “The large number of voters in last Sunday’s elections in the north compared to the last elections has raised suspicions of ‘voter production’, according to a Norwegian group. In their preliminary findings, a group of observers from the University of Oslo observed ‘claims regarding pressure on voters to support specific parties’, creating an atmosphere ‘opposing the procedure of free elections’. The observers said procedures were inadequate and give rise to objections regarding the voter roll. The group accused the Turkish Cypriot television station Bayrak of biased representations as well as of failing to broadcast their serious observations concerning the elections. The observers further commented that Bayrak’s news bulletins had been biased in favor of the ruling parties instead of being impartial, which would have better served the public interest. The observers’ final findings will be published at a later date.” (Article written by George Psyllides, Cyprus Mail, 19.12.03)

#### CONCLUSION

The political regime in northern Cyprus is an example of a situation where the institutions and practices of democracy conceal the absence of democratic substance. What has happened in northern Cyprus over the last thirty years is an attempt to legitimate the institutions of the occupation regime by giving them the appearance of democracy and the form of representative government. Yet the institutions in question do not fulfil the fundamental function of democracy, which is to give expression to the will of the legitimate electorate—the Turkish Cypriots!

What often escapes the casual observer is that the important “democratic” exercises in northern Cyprus are controlled through an elaborate but concealed network of people and practices that lead back to Ankara. There is still in place an obscure structure that ensures that the decisive voice in the north is that of the National Security Council which rules Turkey. This has not been changed by the result of the 2003 elections. To change, it must first be exposed.

Turkey’s role in Cyprus shows no sign of abatement and merits no positive consideration from the European Union. It is a state of affairs that is not conducive to Turkey’s European aspirations or to the prospect of a fair and lasting solution to the Cyprus Problem. In the final analysis, unless and until Turkey dismantles its insidious mechanisms of control in north Cyprus any inter-communal settlement that follows the parameters of the Annan Plan will be impossible because it will threaten to place a reunified Cyprus under Turkish influence and ultimate control.

The European Union should in no way help legitimise Turkey’s grip over northern Cyprus. Indeed all efforts should be focused on ensuring a process of real democratisation of the Turkish Cypriot community. Indeed it is the responsibility of the European Union in a new European environment to help Turkish Cypriots escape the controlling hand of Ankara and freely participate in Cyprus’ European future.

This objective is perhaps the most important prerequisite for a truly workable and lasting solution to the Cyprus Problem. There should therefore be no rewards for actions that are meant to obscure the real nature of the northern Cyprus political regime, or for attempts to obscure the real nature of Turkish intentions regarding Cyprus.

The findings of this report should give pause to those who look forward to an early resolution of the Cyprus problem in the context of Cyprus accession to the EU. This report puts the whole idea of a European solution of the Cyprus dispute in serious doubt unless certain fundamental issues are properly and squarely addressed. Such issues relate to the role that Turkey intends to play in Cyprus as well as the kind of power and influence that Turkey intends to exercise over the Turkish Cypriots.

#### Annex I

##### POLITICAL PARTIES IN NORTHERN CYPRUS

Shortly after the division of the island in the wake of the Turkish invasion of 1974, the Turkish Cypriot administration tried to improve its institutions of self-government. Its efforts initially met with some success, especially as regards the formation of a legislative body.

In its current form this body has 50 members chosen through electoral contests occurring every five years. Political parties must obtain at least 5% of the total vote to gain entry to the legislature. Voters are able to choose candidates from different parties in five electoral districts, namely Nicosia (16 legislators), Famagusta (13 legislators), Kyrenia (nine legislators), Morphou (seven legislators), and Tricomu (five legislators). The first elections in northern Cyprus took place in June 1976.

The main parliamentary political parties in northern Cyprus are the Republican Turkish Party, the Peace and Democracy Movement, the National Unity Party and the Democratic Party.

Founded in 1970 the Republican Turkish Party is the oldest party in northern Cyprus and has a centre-left political orientation. Its founding leader, Ahmed Mithat Berberoglu, was succeeded by Ozker Ozgur and later by Mehmet Ali Talat, who is the party's current leader. The party has traditionally opposed the idea of partitioning Cyprus, and is in favor of a negotiated solution that would follow the ideas included in the Annan Plan.

The majority of RTP supporters are Turkish Cypriots although it has consistently, during the recent electoral campaign, solicited the vote of the Turkish settlers. (NOTE: the Annan Plan essentially provides that at least 60,000 settlers will remain in Cyprus, which has made the plan attractive to those settlers who have been in Cyprus longer and are therefore eligible to remain under the Plan) Mehmet Ali Talat was reported during the 2003 campaign as saying that: "The human rights of the Greek Cypriots are not more important than the property rights of the mainland Turkish settlers in Cyprus," (Press Summary of 24.8.03, published in *Birlik* 25.8.03)

The Peace and Democracy Movement, founded by Mustafa Akinci in June 2003, comprises of several smaller political parties (the Communal Liberation Party, the Cyprus Socialist Party and the United Cyprus Party) as well as several labor organizations (the State Doctors' Trade Union (Tifi-IS), the Union of Municipality Workers (BES), the Union of Civil Servants (CAG-SEN)).

The party has no ideological platform other than the common desire to resolve the Cyprus Problem in accordance with the provisions of the Annan Plan. The Peace and Democracy Movement is predominantly a Turkish Cypriot-supported party.

The National Unity Party was founded in 1975 by Rauf Denktashh and others. Its current leader is Dervish Eroglu. In April 1994 the party incorporated the right-wing settler party of Orhan Ucock (the Homeland Party). The National Unity Party has close relations with the Motherland Party of Turkey. Its political agenda focuses on the concept that the current status quo in Cyprus is the best solution to the Problem because it provides the best policy options for Turkey. The party opposes any solution that would deprive Turkey of its effective control of the island or that would mean that any of the Turkish settlers—on whose vote the party is largely dependent—would have to be repatriated.

The Democratic Party is a right-wing party founded in 1992 as a breakaway faction of the National Unity Party that included Denktashh's younger son, Serdar. (Denktashh has been supportive of his son's party)

The Democratic Party was joined in 1992 by the Social Democratic Party of Ergun Vehbi (originally founded by Rauf Denktashh—Rauf Denktashh's eldest son who died in a car accident in the late eighties). In 1992 the Democratic Party was joined by the main settler party of Ali Ozkan Altinisik (the Rebirth Party) hence gaining the largest settler following among all parties in northern Cyprus. The Democratic Party supports the position that the solution of the Cyprus Problem must be based on the notion of two separate sovereign states. In August of 1994 together with the National Unity Party it voted against the idea of a federal solution to the Cyprus Problem, supporting instead Rauf Denktashh's call for a confederation. The Democratic Party has been traditionally opposed to Cyprus' accession to the EU. Nevertheless, it has not rejected the Annan Plan outright, especially once the strong pro-Annan Plan and pro-Europe demonstrations of the Turkish Cypriots got underway in 2002–03.

All of the parties in northern Cyprus were and continue to be under the effective control of Ankara.

Following the recent elections of 14 December 2003, Akinci's party (six legislators) was not invited to join the coalition government of the Republican Turkish Party (19 legislators) and the Democratic Party (seven legislators) presumably because it had expressed guarded opposition against the Turkish military and Turkish interference in the affairs of northern Cyprus.

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### Written evidence submitted by Friends of Cyprus

#### EXECUTIVE SUMMARY

##### INTRODUCTION

Friends of Cyprus (FOC) was founded in 1974 and has worked to encourage a just settlement for Cyprus.

1. FOC backs the demand for the withdrawal of foreign armed forces from the Republic of Cyprus (ROC), endorsed unanimously by the UN in 1974, and with an even-handed stance between GCs and TCs. FOC has organised many meetings between Greek Cypriots (GCs) and Turkish Cypriots (TCs), which resulted in the formulation of a proposal for "cross voting" as a key feature of a viable settlement.

2. Although the Annan Plan did not meet some of FOC's central concerns, FOC as a body took no position on it. Many Committee members hoped for a "Yes" vote in both communities in April 2004. The Referendum campaign was far too short and it is likely there will not be a further opportunity before Turkey is given an EU accession negotiation date and a new leader of the TCs is elected in April/May 2005.

3. FOC continues to believe that cross voting in elections to the Senate of the United Cyprus Republic is critical to a viable settlement, and that there is a reasonable chance this may prove acceptable to a new TC leadership. It believes that a properly informed discussion of the issue of settlers means there must be a census in the north of Cyprus with financial support from the EU.

4. FOC believes that the EU Commission should prepare a full financial and economic plan for Cyprus for the period following a settlement. It backs economic support by the EU to the TCs but believes trade with TCs cannot come under EU provisions for external trade since this would be legally questionable and politically counterproductive.

5. FOC understands that referendum exit polls showed the vast majority of GC "no" voters were dissatisfied with security arrangements and the extension of the guarantor powers. The Annan Plan proposals in this respect were not consistent with the UN Resolution demanding the withdrawal of all foreign forces or with the demilitarisation of Cyprus but gave the guarantor powers an even more important role than under the 1960 Constitution. FOC has proposed an international (probably EU) force as an essential component of any acceptable settlement and is strongly opposed to the extension of the guarantors' right of intervention to constitutional order.

6. FOC believes a date for EU accession negotiations should be given to Turkey, but that ongoing implementation of the Copenhagen criteria and the principles of international law will be critical. FOC welcomes the ongoing process of reconciliation between GCs and TCs, and calls on all concerned to talk less about "two sides" and to take increasingly into account the wide range of views held among both GCs and TCs.

## INTRODUCTION

The Friends of Cyprus (FOC) was formed in 1974 after the island's fragile constitution was shattered following an attempted coup by the Greek Junta and the Turkish invasion. The FOC Committee has contained both Parliamentary and non-Parliamentary members. Its first Chairman, and later President, was the late Lord Caradon, the last colonial governor of Cyprus. His successor as Chairman, and now himself President, is Lord Bethell, for many years MEP. The current Chairman is Lord Corbett of Castle Vale, with Andrew Dismore MP, Roger Gale MP, and Simon Hughes MP as Vice-Chairmen.

1.1 FOC has in its 30 years of activity adopted three main policies regarding Cyprus. The first is in conformity with the UN General Assembly Resolution 3212 (xxix) unanimously adopted by 117 countries—including Greece, Turkey, the UK and the US—on 1 November 1974, and endorsed by Security Council Resolution 365 on 13 December 1974. This called for "the speedy withdrawal of all foreign armed forces and foreign military presence and personnel from the Republic of Cyprus (ROC) and the cessation of all foreign interference in its affairs".

The second is an even-handed approach on issues dividing Greek Cypriots (GCs) and Turkish Cypriots (TCs). Thus FOC became one of the pioneers of meetings between groups of GC and TC politicians, journalists and professionals, first in London and then in Nicosia, between 1979 and 1990. This led to contact with and support for those Turkish Cypriots who wanted to engage in constructive discussion and who have played a huge part in the "This Country is Ours", "Common Vision", the December election result and the overwhelming "Yes" vote in April 2004 in the north of Cyprus. FOC's policy was not to take sides between Cypriots but support those working for a solution.

1.2 Discussion in the meetings between GCs and TCs led to FOC adopting a policy of support for "cross voting". Under this, GCs and TCs would have the same agreed percentage input in each other's elections for federal bodies. This proposal represents a contribution to the problem of operating a federal constitution with only two constituent states, as it would encourage the emergence of political figures politically dependent on the support of citizens in both rather than on the votes of just one community, as under the 1960 Constitution.

2.1 UN involvement in Cyprus goes back 40 years to the Security Council Resolution 186 of 4 March 1964. The first set of proposals associated with the UN was the Galo Plaza Plan of 1965. The five Annan Plans (November and December 2002, March 2003, March/April 2004) have a long ancestry.

2.2 The Annan Plans have already made important contributions, setting the parameters for a settlement of the constitutional and territorial aspects of the Cyprus problem. They provide for:

- A Swiss style executive for the federal state, with a Presidential Council acting simultaneously as a Council of Ministers.
- A Belgian style relationship between the federal state and the two constituent states where the EU is concerned.
- A requirement that one of the two TCs on the Presidential Council must form part of the majority for any executive decision.

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- A requirement that either 25% or 40% of the TC, as of the GC, members of the Senate, depending on the issue, must form part of the majority for any legislative decision.
  - A Supreme Court in which three international judges hold the balance.
  - A radical devolution of constitutional powers to the constituent states.
  - A one-third, and, not infrequently, one-half allocation of important federal posts to TCs.
  - A territorial division that would allot the TC constituent state over 50% more territory than their 18% proportion of the population at the last official census in 1960.
  - In the final versions of the Annan Plan, after pressure chiefly from GCs but benefitting pro-resolution members of both communities, a short enough transition period that would not allow either leader effectively to sabotage the new arrangements even before they had become fully operational.

2.3 The above nine points (in 2.2) constitute a successful attempt to meet the concerns of TCs without, it appears, having led to overwhelmingly negative reactions by GCs, although there remain concerns about functionality. Thus one of the main thrusts of FOC policy has been met in so far as an evenhanded treatment of the TCs is concerned. Unfortunately the same cannot be said in respect of the other points at the centre of FOC's concerns.

2.4 Although central FOC concerns were not met in the version of the Annan Plan put to referendums, the FOC as a body took no position on it. Many Committee members would have welcomed an affirmative vote both from GCs and TCs, in the hope that working together on island and in the EU, they could have achieved cooperatively the changes they would have preferred in the Annan Plan once they had reached a settlement. Others felt the defects of and the dangers flowing from the Plan ruled out this possibility.

2.5 All the information received by FOC from Cyprus, from the very moment the fifth Annan Plan was presented to the parties, even if without important supporting documents, on 31 March 2004, indicated that the failure to meet central concerns of the GCs would lead to a massive rejection in the Referendum. In the event the Plan received the support of 65% of those voting in the north, (54% of the electorate registered as TCs, including abstentions and spoiled ballots). Although more GCs than TCs voted affirmatively, there was a 75% "No" vote in the south among the numerically far more populous GCs.

2.6 Noone doubts that the fifth Annan Plan was presented to the two electorates hastily because of the accession of the ROC to the EU on 1 May. There was little time for voters to read and absorb the implications of the approximately 9,000 pages of documentation, some of which did not become available until 23 April, in the 23 days allowed for the Referendum campaign, which included the Easter festival central to GC life, let alone hold an informed public discussion on documents that would determine every citizen's future.

2.7 It is a legitimate question to ask why the UN put the Plan so hastily to Referendum.

One hypothesis, widely accepted in Cyprus, is that the US, while certainly preferring a "Yes" vote by both GCs and TCs, saw a "Yes" vote by TCs as essential, but either a "Yes" or a "No" vote by GCs as adequate for one of Washington's central current foreign policy concerns, namely the removal of the Cyprus issue as a negative feature for Turkey in respect of obtaining a date for commencing EU accession negotiations. The UN was thus not prepared to entertain amendments that might have met GC concerns and increased the likelihood of a "Yes" vote if these might cause a problem to Ankara.

Another hypothesis among those who have followed the Cyprus problem was that the Referendum was rushed to ensure the GCs did not obtain any bargaining advantage from the ROC's EU accession on 1 May 2004 taking place before a settlement.

These two hypotheses are not mutually exclusive but the second on its own would logically have argued for a somewhat more open approach to central GC concerns than was in fact displayed.

2.8 The overwhelming GC rejection of the Annan Plan represents a negative development for a settlement which requires a reconsideration of several of its features but also a renewed emphasis on positive developments in Cyprus. We shall concentrate on those features which run contrary to the FOC policies outlined above. Our suggestions are aimed at achieving improvements without any diminution of the position of born TCs as set out in the latest Annan Plan. We continue to bear in mind the need to carry a future GC Referendum and simultaneously secure the support of a future TC Assembly or carry a future TC Referendum if a future TC Assembly decides this is required. There are areas, particularly security, where it is possible to meet GC concerns without impinging on TC needs.

2.9 The timeframe we work within is mid-term. For Turkey, and the TCs, the current emphasis is overwhelmingly on obtaining an EU accession negotiating date, on ending the isolation of TCs, improving the TC economy and on testing how far the favourable impact of the TC "Yes" vote can affect various international legal parameters of the Cyprus problem. It is unrealistic to expect any openness to renewed negotiations before December and more probably before the election of a new leader of the TCs in April/March 2005. Many Turkish Cypriots have become EU citizens by virtue of renewing or obtaining a ROC passport. For GCs the rejection of the fifth Annan Plan was so overwhelming and for such diverse but often

substantive reasons that it is not reasonable to envisage a settlement without such amendments as would require a new Referendum among GCs, and this process cannot begin until Turkey and TCs are ready, which is unlikely to be until some time in 2005.

Provided Turkey obtains an EU accession negotiating date but that no decision is taken by the EU which would implicitly recognise the TCs as a body legally separate from the ROC and hence to be dealt with on the basis of the EU's rules for international trade, we consider prospects for a settlement in the latter part of 2005 to be encouraging. This Memorandum now seeks to illustrate how engagement with FOC policies, based on long experience of work with GCs and TCs, can help to achieve this result.

3.1 The 1960 Constitution broke down partly because voting was based entirely on communal/ethnic lines. Appeals to communal/ethnic solidarity were the lowest common denominator politically. This is all the more true in the context of operating a federation with two constituent states.

3.2 Discussions at meetings sponsored by FOC during the 1980s led many GC and TC political figures to understand that a major contribution to this problem, critical to the viability of any future settlement, could be made by the introduction of cross voting, a system under which GCs and TCs would have an equal percentage input in each other's elections to federal bodies, of which the most important under the Annan Plan would be the Senate, equally divided between GCs and TCs. Candidates would need to look for voters beyond their own linguistic group or to suffer a political penalty. This in turn would encourage the emergence of politicians who would have a political interest in resolving any impasse or deadlock.

3.3 The UN proposed cross voting in the course of the 2002 negotiations. The SG's report to the Security Council, after the TC leader's refusal to put the Third Annan Plan to a Referendum in March 2003, stated that the GCs accepted and the TCs rejected cross voting. The UN SG maintained that the provision by which a 41% group of GC or TC Senators could prevent the election of the single-list Presidential Council gave sufficient expression to the principle of co-determination.

3.4 We feel this is a mistaken view. The requirement for separate minima of 40% of GC and TC senators taken separately, in addition to the need for an overall majority of legislators, in order to elect a Presidential Council, represents a blocking mechanism that would work equally to the advantage of a communalist/nationalist group commanding 41% of either GC or TC votes, as of more cooperative groupings. It might thus lead to the impossibility of electing a Presidential Council except one in which there are sufficient communalists/nationalists as to create the immediate danger of an impasse or a breakdown.

Cross voting is quite independent of any such blocking mechanism. It would instead operate as a long-term influence of GC and TC political leaders impelling them to become more open to the concerns of "the other" and the interests of "the whole". Given the innate difficulty of operating a complex and highly devolved federal system with only two constituent states, cross voting as a feature of a viable Cyprus settlement is not a luxury but a necessity.

3.5 In 2002–03 the then TC leader reject cross voting, though leaders of the TC opposition, now in positions of greater influence, were known to be privately favourable. It is to be hoped that after April/May 2005 TCs might also be prepared to accept cross voting. It is not against their particular interests and represents an important general interest of all Cypriots that a settlement should endure.

3.6 The need for cross voting is all the greater because of the lack of homogeneity in the TC electorate. There are many settlers from Turkey. An exit poll after the Referendum indicated there was a very large differential between these two groups, with 32% more born TCs than settlers voting "Yes". There is also evidence that the major swing in the TC electorate between the December Assembly elections and the April Referendum came from among these settlers in the expectation of legitimisation of their Cyprus, and therefore EU, citizenship under the Annan Plan. Support for the Referendum on such a basis is however a poor basis for predicting such voters would support collaboration between GCs and TCs under a new Constitution. There is a high risk that they might as easily revert to their previous Turkish rather than Cypriot voting pattern once legitimised by the Referendum. This further emphasises the need for cross voting as a feature of any viable Cyprus settlement in order to strengthen the hand of born TC moderates who would genuinely attempt to make such a settlement work.

3.7 A proportion of the GC electorate is opposed in principle to any legitimisation of settlers, who have entered Cyprus illegally as a result of the military occupation by Turkey. The legal case is strong, but there are three problems. First, there are by now many settlers fully integrated into TC society whose non-enfranchisement would be considered by many unjust. Second, the international community has proven notably and consistently unwilling to enforce international law against Ankara. Third, once the UN accepted the (whole) current TC electorate could validly vote in the Referendum, the UN's attitude to settler legitimisation inevitably became linked to the outcome of the TC Referendum itself. GC efforts have concentrated on limiting the number of settlers to be enfranchised, something many TCs would endorse privately.

3.8 FOC cannot provide a solution for this difficult problem, but urges:

- That cross voting with quite a high percentage input for the Senate, say 20%, can reduce the extent of the problem.

- That the EU should insist part of the financial aid now to be given to the TCs should be used to carry out a proper census to establish the demographic facts. Such a demand has been enunciated by a number of TCs as well as GCs. That part of EU financial aid to the TCs should be used to assist the repatriation of TCs who have emigrated as a result of economic problems, so strengthening the proportion of born TCs in the TC electorate.
- That any enfranchisement of settlers should be staggered over the long transition period so that they not form more than one third of the TC electorate. This would give more time for the integration of those born and educated outside Cyprus into the TC body politic. It would help provide a more favourable environment during the early years after any settlement. This outcome is however impossible without a proper census.

4.1 The economy was cited as the main reason for their vote by 5% of the GC electorate which voted “No”. Many of them however were businessmen who have been considered natural “Yes” voters. There is currently acute concern among GCs about the high fiscal deficits run by the ROC over the last decade. In this environment the absence of an economic attachment to the Annan Plan was severely criticised, and some calculations were made suggesting the additional costs of settlement were so high that they could not be borne by the federal state and the GC constituent state. It was also argued that their inability to meet such costs would provide the Turkish military with a reason not to implement post-settlement commitments to GCs the latter considered essential.

4.2 The UN was unable to present an economic plan in the extraordinarily tight timeframe within which it chose to operate, but can justifiably be criticised for accepting to work within such a timeframe, effectively running from mid-February to 24 April. Had there been more time for discussion of the wide range of estimates, they would probably have been substantially narrowed. As things stand, and in view of the plan having placed the cost of the settlement largely on GC shoulders, an effort needs to be made to turn this reverse into an advantage through the preparation of a post-settlement financial plan by the EU in collaboration with GC but also with TC experts.

4.3 The EU Commission might also use part of the aid to be allocated to the TCs with the support of the ROC, to meet in advance some of the costs that would be involved in a settlement as, for instance, the building of new homes for those TCs who declare they wish to leave areas to be allocated to the GC constituent state; and in supporting, together with the European Investment Bank (EIB), projects of mutual benefit to GCs and TCs such as the opening of Varosha and Famagusta harbour.

4.4 By contrast, the EU Commission proposals reviewing arrangements to facilitate external trade between TCs and member states as external trade, proposals with which the Secretariat of the Council of Ministers does not concur, are not only arguably illegal but totally counterproductive, tend to separate GCs and TCs rather than bringing them together.

4.5 Specific features of the Annan Plan need to be reconsidered from a zero basis to reduce their financial cost. A prime candidate is the Property Board. Far less confidence should be placed in such heavy bureaucratic institutions than in the operation of the free market, not least given experience with similar institutions. The Property Board is already judged in private by many GCs and TCs to represent an open invitation to property speculation and charges of corruption, potentially also to the actuality of shady dealings. The international community cannot afford any scandals of this sort.

It would meet the demands alike of justice and of the public interest if preference were indeed given, as is already planned, to current holders of property in one constituent state who are prepared to give up ownership of property of a roughly equivalent value in the other; and if, for the rest, traditional property rights were acknowledged. This would encourage Cypriots to own property and reside in their respective future constituent states—a genuine public interest—while for the rest upholding the sanctity of property and the free operation of the market, in general so much more effective than international civil servants, even if appointed by the UN.

4.6 One of the tragic, if indirect, consequences of the events of 1974 is the destruction of large areas of coastline under ROC control in the pursuit of economic recovery through the development of mass tourism. A settlement would threaten other sensitive areas of Cyprus with the same fate. Given the importance and beauty of Cyprus’ natural heritage, three of the world’s most important conservation organisations, Birdlife International, World Wildlife Fund and Europa Nostra, appealed to the UN Secretary General to include in his proposals a provision under which equivalent areas in the Karpas and Akamas would be declared federal national parks. This would be evenhanded as between GCs and TCs since both constituent states would be reduced in the same proportion, but would enshrine a common value and broader good as a principle that would unite GCs and TCs instead of continuing the current, clearly unsustainable pattern of shortsighted tourist developments.

Part of the problem with the rushed 2004 process was that improvements of this kind were not discussed. The current intermission gives the parties an opportunity to consider this proposal.

5.1 In the Referendum exit poll 75% of GCs voting “No” stated they did so for security reasons. This is demonstrably, therefore, the area in which revisions are most required to carry a future GC Referendum, but where amendments are most unlikely to be accepted if Turkey does not receive an EU accession negotiation date and at least conceivable if and after she does. There is no way any settlement will be accepted if either GCs or TCs feel more insecure under its provisions than they feel today. For those who

ask how GCs could possibly feel less secure when the Turkish troop level is reduced, there are two answers. First, the wider range of the Turkish guarantees now envisaged combined with the traumatic experience of 1974 and second, there was no trust that Turkey would implement the troop reduction or that the remaining troops would not be used to affect TC policy decisions.

5.2 The system of guarantees adopted in 1960 makes Cyprus a unique state in international relations. In 1974, it allowed two guarantor powers to intervene in a manner most injurious to Cyprus' sovereignty and integrity, and the third not to intervene at all. Lord Caradon pointed out that doing nothing was also a policy. Furthermore, as was argued by the late Sir David Hunt, formerly British High Commissioner, military intervention under these guarantees probably runs counter to the UN Charter itself.

5.3 The GCs were the main victims of the 1974 events although some TCs lost their lives and many their homes as a result of actions which took place after 20 July. GCs believe they have been the victims of two acts of aggression, one by Athens, one, which still continues, by Ankara, possibly with the connivance and certainly with support after the event from successive US Administrations, whose main effort was to persuade the US Congress to reverse its opposition to the use of US arms in the continuing aggression. It is no wonder intense US pressure for a "Yes" vote was so counterproductive.

5.4 TCs were the main, though never the sole, victims of the bouts of intercommunal violence in 1963–64 and in 1967—as GCs had initially been in 1958 until EOKA A retaliated. TCs therefore insist on the Turkish guarantee and the presence of Turkish forces, though some prominent TCs have in recent years criticised the control exercised by the Turkish military over many aspects of TC civilian life, including now decisions about the Green Line regulations and appointments in the fire brigade.

5.5 Over the last 30 years the number of Turkish occupation forces has not declined from around 35,000, although less than a tenth of that number would be adequate to defend a TC constituent state from attack, given Ankara's ability to rapidly bring in reinforcements. Nevertheless there has in recent years been a subtle shift in the strategic balance as GC air defences, which would have been removed in Annan 5, have grown far stronger, being now capable of inflicting considerable damage in the event of a Turkish air attack. Thus GCs have become somewhat less insecure than they used to be and this would have changed for the worse.

5.6 The only acceptable way for the UN from the resulting dilemmas would have been to mediate the operation of security guarantees through an international force, within which Greek and Turkish contingents would have been integrated. Unfortunately it appears the necessary support from the most powerful Western permanent UN Security Council members was lacking. Instead there was a widespread belief among leading players in the international community that the GCs would necessarily accept whatever arrangements the UN proposed to satisfy the Turkish military, in order to secure Cyprus' EU accession. This always questionable assumption became totally inoperative in March 2003.

5.7 Despite this the Fifth Annan Plan provided:

- Maintenance, with explicit support of the UN, of the system of guarantees into the indefinite future, or until such time as Greek and Turkish Cypriots agree to change their own constitution.
- No international force to enforce security, or implementation, but only a UN monitoring presence.
- Under the rubric of demilitarisation, the disarmament of Cypriots. Greece was even to be required, against its expressly stated wishes, to increase its military forces in Cyprus between three and six-fold. The GCs would undergo total disarmament including that of their sophisticated air defences. Turkish forces would be reduced to 6,000 until 2011 and 3,000 until 2018 (unless Turkey's EU accession occurred earlier) but they would acquire total air control over Cyprus.
- The United Cyprus Republic (UCR) would not be able to participate in the European Social and Defence Policy (ESDP) nor would the EU be able to use its territory without the permission both of the guarantor powers and the constituent states, although the federal state was stated to be constitutionally responsible for defence issues.
- There would be no UCR force, to be equally divided between GCs and TCs, that might serve with the EU outside Cyprus, particularly on humanitarian and peacekeeping duties, and might ultimately emerge as an expression of a Cypriot political personality removed from past nationalism.
- The application of guarantees was extended from security and a range of constitutional provisions, as in 1960, to constitutional order in both the federal and the constituent states. Theoretically Ankara might even intervene in the GC constituent state, but, far more serious, would be specifically mandated to continue intervening in the constitutional order of the TCs and in the future UCR as a whole.
- The Plan's preamble has the GCs and TCs (correctly) determined to avoid a repetition of past tragic events, but no such statement is anywhere ascribed to the guarantor powers who however caused far more deaths and displacement of innocent civilians than all three bouts of violence between GCs and TCs put together.

5.8 The TCs voted "Yes" to these propositions, which would not alter their current security situation. The GCs gave a resounding "no" to arrangements that would have made them even more insecure and have perpetuated their country's diminished status into the indefinite future, even if Ankara allowed a settlement to operate, something which many doubted.



The UN as an institution may one day have cause to feel some gratitude to the GC electorate for upholding the UN Charter and for forcing a reconsideration of the security provisions of any settlement in the light of fundamental ethical and political principles.

5.9 FOC believes the issue of security and guarantees can only be solved through an international, probably now an EU force, but that this will only be negotiable some time after Turkey has obtained its EU accession negotiating date. All military forces in the future UCR, including GC and TC forces, which should be reduced in parallel with the reduction in Turkish forces but with all defensive systems, especially against air attack, remaining intact until the final stage, would come under the command of this international force. So of course would the Greek and Turkish contingents. The scope of guarantees should be limited strictly to security. Finally the guarantor powers should also offer an expression of determination to avoid the tragic errors of the past.

6.1 This memo does not cover all issues raised by the Fifth Annan Plan. There are a number of other provisions that require modification, in particular the provisions that would effectively reverse decisions already taken by the European Court of Human Rights.

6.2 Three issues stand out for the immediate future. First, it is an interest of all Cypriots, very much including GCs, that Turkey should in December 2004 obtain a date to open EU accession negotiations. Fear it might not do so was one of the important secret fears of many prominent GCs since the Turkish military would then have gained “carte blanche” not to implement postdated provisions for the Annan Plan that were important for GCs.

Giving Ankara its EU accession date is unquestionably the correct course in relation both to the impressive constitutional and legal changes introduced by successive Turkish governments, and to the need for a viable settlement of the Cyprus problem.

There is no cost-free option for the EU however. No other candidate country has had its military in occupation of an EU member state, no other candidate country has had a “deep state” and judiciary so antithetical to European principles, no other candidate country has a military leadership which still considers it has not just the right but the duty to publicly take a different position from the elected government of the day. Thus opening accession talks should not be considered as an indication that Turkey has met the Copenhagen and external political criteria for EU accession, but rather that the EU is responding to the evidently sincere desire of its leadership that the country should become fully European in the hope and expectation this process, involving full implementation of the Copenhagen and external political criteria, will continue.

6.3 Second, it should never be forgotten that the ROC is the ongoing victim of aggression against it, aggression which its internationally recognised legitimate authorities in no way provoked. The ROC has a veto over Turkey’s EU accession. No country therefore that desires Turkey’s ultimate accession to the EU should support any policy by the UN or the EU that would even appear to impinge on the international recognition of the ROC, the whole of whose territory is covered by the Athens Treaty of Accession to the EU. The policy on trade with TCs currently proposed by the EU Commission is probably legally mistaken and is certainly politically counterproductive.

6.4 If Turkey obtains an EU accession negotiation date in December, every effort should be made to obtaining a Cyprus settlement based on the political provisions of the Annan Plan as soon as possible after the elections of a new leader of the TCs in April/May 2005. Such an effort should be based on a determination not to deprive born TCs of benefits already gained but to make the proposed settlement more viable, more in conformity with the norms of international law and more balanced as between the state of Cyprus and its guarantor powers, particularly the guarantor power which remains in illegal occupation.

6.5 Third, while awaiting such a favourable development, FOC recommends that all involved in the Cyprus problem should emphasise the positive elements of the current situation. We believe:

- There should be less talk about “the two sides” and recognition of the heterogeneity among GCs and TCs alike. Unless this happens, the attitude of a zero sum trade off which lay at the heart of the process that led to the Annan Plan will continue.
- We need to engage in a continuing debate with GCs and TCs so that a higher proportion of any final agreement should come from Cypriots rather than, for instance, from a letter of demands by a guarantor power, like that delivered by Ankara at Burgenstock. Consideration should be give to the convening of a constitutional convention in two stages. First representatives of business, the professions, trade unions and NGOs, both GCs and TCs, should seek to agree a constitution for the UCR. Second, this would be submitted to selected elected political representative (both GCs and TCs) and representatives of the guarantor powers and the UN for amendment and endorsement. Such a convention could be chaired by an international figure.
- Strong encouragement should be given to all efforts already in hand, in Cyprus and in the wider region, to improve the accuracy of history teaching simultaneously enabling pupils to understand how the same events can be seen from different points of view.
- We should encourage the process of change in the TC leadership leading up to the TC elections in April/May 2005.

- Support should be given to Ankara’s application for EU accession negotiations provided that Ankara recognises the ROC and that implementation both of the Copenhagen criteria and the principles of international law are even more carefully followed after such a date is given.
- There should be generous funding of the TCs through official channels, recognising TC municipalities, but insisting that trade with TCs cannot be handled under the provisions for foreign trade.
- We should strongly support an arrangement under which Varosha and Famagusta harbour should be simultaneously opened. We welcome the committee which business leaders (GCs and TCs) have established to prepare a draft town plan to integrate the now abandoned part of Famagusta into the newer part of the town.
- We should insist on a census in the north as an essential measure for moving towards a settlement.
- We should encourage TC representatives abroad to speak in their role as representatives of the future TC constituent state and not of the so-called state, recognised by none except Ankara.
- We should support all attempts to continue opening up the Green Line and associated contacts between GCs and TCs.
- We should encourage the new EU Commission to consult widely with the many experts, official and unofficial, on Cyprus and to prepare a comprehensive economic plan for the period both before and after a “settlement”.

Friends of Cyprus

17 September 2004

#### **Further written evidence submitted by Friends of Cyprus**

You will find a lot of criticism of the UK on your visit to Cyprus next month. They feel we tried to bully them into a “Yes” vote in April on the Annan 5 plan and have abandoned them since.

Please may I ask you to bear in mind these five points on your visit?

1. The best prospect for progress on a settlement is if there are discussions at all levels (not just politicians) on how to bridge the gaps. Ideally some kind of constitutional convention could reach enough agreement to put proposals to politicians north and south.
2. Steps might be agreed to encourage free trade across the island, with more and easier crossing of the green line as positive steps to wider trade links across the EU.
3. A deal of work is going on in joint bodies (north and south) to agree a plan to restore “old” Famagusta and exploit its tourist potential and open up its port perhaps under UN supervision.
4. If people on the ground can demonstrate, as they are doing, that they can work and live together, this will encourage pro-settlement politicians in both communities to take risks.
5. The longer it takes to agree a settlement, the slimmer the chances of agreement. If Turkey gets a date to open EU negotiations in December (as seems likely) and the EU aid package to the north goes ahead, there is less pressure to settle—which brings us back to point 1!

Enjoy your visit.

*Robin Corbett*

Chairman, Friends of Cyprus

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#### **Written evidence submitted by Brendan O’Malley**

RE: YOUR CONSIDERATION OF POLICY ON THE CYPRUS PROBLEM IN THE WAKE OF THE REFERENDUMS ON THE ANNAN PLAN

By way of introduction: I am international editor of *The Times Educational Supplement*; co-author with Ian Craig of *The Cyprus Conspiracy: America, Espionage and the Turkish invasion* (IB Tauris, 1999), which was shortlisted for the 1999 Orwell prize for political writing and was a *Guardian* book of the year; a member of the non-partisan peace group, *Tracemed*, and a committee member of Friends of Cyprus; a member of the research cluster on Eastern Mediterranean and Eurasian studies at Kingston University, and have given numerous lectures at international conferences on the Cyprus problem. I have regularly met with leading Greek-Cypriot and Turkish-Cypriot political figures, education experts and peace campaigners.

I would like to set out why the British government needs to change tack on its public stance since the referendums on the Annan plan and support constructive proposals for breaking the current logjam, some of which I shall set out below. I would welcome the opportunity to discuss these proposals further with the committee.

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 BREAKING THE LOGJAM

1. In the aftermath of the referendum the international community accused Greek Cypriots of negotiating in bad faith and voting against a solution, and said the prospects of peace had been put back for a considerable time. Representatives of the British Foreign Office said the Greek Cypriots should be punished for voting the wrong way. These berations were both inaccurate and profoundly unhelpful.

2. Greek-Cypriot opposition to certain parts of the Annan proposals was widespread and well-known long before the arbitration process at the end of the Annan negotiations and the UK government could have exerted more influence to ensure that they were addressed in a way that maximized the chances of a Yes vote in the referendums in both parts of Cyprus. By contrast the criticism of the popular vote in the south and the assertion that no more will be done for a very long time sends a worrying signal that the UK government believes Turkey has done enough for the time-being to prevent its continuing occupation of northern Cyprus becoming an obstacle to achieving a date for the opening of accession talks with the EU. In fact there is much more that Turkey can do to increase confidence over time in its commitment to implementing the plan and the UK should play its part in persuading the Turkish government to face that challenge.

3. The international community has so far failed to acknowledge that the overwhelming Greek-Cypriot vote against the Annan plan reflected deep-seated concerns that must be addressed if a settlement is to be agreed and prove lasting. Those concerns were compounded by the unnecessarily short time allowed for the referendum campaigns or even for the publication of details of the final Annan plan before the vote. Those concerns included legitimate fears that implementation of the whole plan would not be guaranteed and that even if implemented it would not be able to function. They also included a strong psychological factor which would need to be addressed to win over the electorate in any second vote among Greek Cypriots: that the plan reinforces Turkey's right to intervene in Cyprus, raising fears Turkish forces might be used to repeat the current occupation at some point in the future.

4. If a drift towards partition is to be avoided, a policy of inertia must be replaced by urgent action to build on the momentum created by the two very positive outcomes of the Annan process, namely Turkey's agreement to withdraw all but a token number of troops from Cyprus and support the creation of a United Cyprus Republic, and the democratic endorsement of this policy by the majority of Turkish Cypriots. If no action is taken, the danger is that Turkish Cypriot support will fall away making agreement still more difficult to achieve. It is essential, however, that momentum is gained by creating pathways to consensus on Cyprus rather than by political steps that may inadvertently or otherwise entrench separation.

5. The British government should therefore encourage the exploration of alternative proposals to guarantee the implementation of the proposed Annan Plan and the security of all people in a United Cyprus Republic.

6. It should also consider lending encouragement and support to the development of island-wide initiatives to foster co-operation and trust between Greek Cypriots and Turkish Cypriots and generate a consensus on how the Annan proposals can be modified in the interests of all who live on the island.

7. I would like to make two suggestions as to how this co-operation could be developed. Both of them would help to create the conditions in which Greek-Cypriot demands on functionality, implementation, security and European norms and values would be understood by all who live on the island, so that an agreement acceptable to everyone can be reached without losing sight of fundamental Turkish Cypriot concerns over political equality and security.

## EDUCATION PROPOSAL

8. The first suggestion comprises a cross-community initiative to improve education in ways that will prepare future generations for life in the increasingly multi-ethnic, interconnected world of the EU and enhance the prospects of lasting peace in the proposed United Cyprus Republic. It can borrow from successful ideas implemented in Northern Ireland and could be encouraged by the facilitation of joint study visits to the province by influential Greek-Cypriot and Turkish-Cypriot education officials, teacher trainers, teacher unions leaders to see how they work in the classroom:

- Revamp history teaching methods and textbooks to offer inquiry-based learning methods and multiple perspectives that will enable pupils to act as mini-historians, weighing up the relative objectivity of evidence, tackling inflammatory texts and seeking to understand the causes of the emotions behind them, and drawing their own conclusions. These methods help develop skills of judgment and analysis which are increasingly important in an age where children are bombarded with information of varying degrees of quality;
- Add education for mutual understanding to the compulsory curriculum. This involves learning how to handle relations and arguments with other people and how to empathise with other people's points of view; it can include anti-racism, including countering stereotyping, the development of tolerance and understanding of people from other cultures, faiths and identities. These life skills are important for children to learn in any society, but have added significance in a country suffering from the legacy of conflict and likely to become increasingly multiracial in future as a member of the EU;

- Add common cultural heritage to the compulsory curriculum so that children learn, experience and come to value the heritage of all the people on the island eg all pupils could study the contribution of the Ancient Greeks and the Ottomans to the world; learn the common and different dance, theatre, music, folklore of people on Cyprus; learn about Cypriots' common identity as islanders, Eastern Mediterraneans and Europeans. This offers positive and enjoyable ways to value the culture of all people on Cyprus and consider their future place in the world as EU citizens—and can be linked in to common European cultural schemes;
- Cross-community contact schemes involving Greek-Cypriot and Turkish-Cypriot children working together on joint curriculum projects in each other's school one day a week. This provides a valuable way to develop friendships and common interests with each other that can have a lasting impact on relations in society. Schools from north and south can also link electronically as part of wider EU Comenius schemes linking four or five schools from different countries on joint language work;
- Bicommunal schools: ultimately, increasing the number of schools where Greek Cypriots and Turkish Cypriots learn together will offer more deep-rooted integration, though language and political barriers would have to be overcome.

#### CONSTITUTIONAL CONVENTION PROPOSAL

9. The second suggestion is for Cypriots to create a grass-roots constitutional convention, borrowing from the experience of the Constitutional Convention in Scotland and similar bodies in other places, to find an island-wide consensus on how the functionality of the Annan Proposals can be improved in the interests of all Cypriots. This would build on the successful work of the technical committees during the Annan process and would address a fundamental problem that the negotiation process so far has divided Cypriots in ways that encourage each community to struggle to secure its own interests rather than those of everyone on the island as a whole. A convention would allow Cypriots to look at the problem afresh from an island-wide view without the interference of outside powers. Based on consensus and operating at an advisory level, below political parties, it could encourage co-operation, fresh thinking and mutual political understanding. Its recommendations would be easier for parties to adopt on both sides if grass-roots island-wide consensus can be demonstrated. It would give Cypriots a sense of ownership of solutions that emerge and would offer a vehicle for mobilizing public opinion in favour of any changes.

#### SUMMARY

10. The Annan process has been going on for so long now that its modus operandi has been taken for granted, without recognition that there is an important place for a supplementary channel by which Cypriots can co-operate and devise ways to break the logjam based on the interests of all the people on the island rather than by looking to secure the interests of simply their own community. The increased contact between Greek Cypriots and Turkish Cypriots after the Green Line was opened and with the help of the recent lifting of restrictions makes the absence of grass-roots cross-community participation in the discussion and development of a final settlement an anachronism. It also raises questions about the timescales envisaged in the Annan Plan. A constitutional convention will have more chance of succeeding, as will any future settlement, if the communities are actively co-operating in their joint interests in other areas such as education, with the important spin-off that the future citizens of the country will be better prepared for living together.

11. There is a strong argument that the EU has so far failed to take enough responsibility for helping to solve the problem it has now inherited and over which it can exercise critical leverage, and that the UN abrogated some of its responsibility when it allowed the skewed arbitration of the Annan proposals. Either party could help restore or build confidence by playing a role in facilitating constructive cross-community initiatives.

12. As an influential member of both the EU and the United Nations, the UK government should accept the responsibility that goes with having a direct military interest in and sovereign territory on Cyprus and encourage both international bodies to redouble their efforts to help Cypriots find an island-wide consensus on a solution. It should also be exerting its influence on Turkey to do more to address Greek-Cypriot fears which led to a No vote by demonstrating its commitment to implementing the Annan Plan in full and respecting in perpetuity the territorial integrity, constitutional arrangements and sovereignty of the proposed United Cyprus Republic.

*Brendan O'Malley*

*12 September 2004*

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**Written evidence submitted by Tracemed**

1. Tracemed is an association of EU and US individuals who have a special knowledge of, or a special interest in, political developments in the eastern Mediterranean and in particular in the facilitation of an equitable future for Cyprus.

2. Tracemed acts under the aegis of the United Nations Association Trust of the UK.

3. Members of Tracemed have had long-standing relations with the current and past leaders of the Greek Cypriot and Turkish Cypriot communities in Cyprus from 1964 until the present day.

4. We consider, with regret, that since the 1950s Britain has contributed substantially to the development of frictions between the communities in Cyprus and to the subverting of opportunities for communal re-engagement. We do not believe that this was the will of parliament but rather the outcome of a determination among some elements of the Foreign Office, the military and the intelligence community to preserve the security and effectiveness of British military and intelligence installations in Cyprus and to safeguard relations with the Turkish army, which was seen as a primary security-producer for NATO. We consider that there has sometimes been a demonising of events and leadership figures in Cyprus in order to advance supposed British interests.

5. We believe that the above were contributory factors in the lead-up to the Turkish invasion of 1974 and in subsequent failures to find a valid solution. We also believe that they have relevance to recent events and particularly to UK/US efforts to orchestrate a solution in the Burgenstock phase of the Annan process. We consider that the Greek Cypriot vote against Annan 5 was a foreseeable reaction to a proposal which, in its final form, contained elements that were inequitable, conducive to ethnic separation and in unnecessary derogation of EU and UN principles. There are reasons to believe that the final formula of Annan 5 reflected pressure from the Turkish army.

6. We reject the view expressed by some members of the Foreign Office that the Greek Cypriots must now “pay the price of their folly”, that the Turkish Cypriots should be rewarded by way of measures which are conducive to further communal separation or that a lengthy period should elapse before the international community gives further support to the process of communal re-engagement and reconciliation. On the contrary, we believe that the Annan process has moved things forward and that there are likely during the coming months to be opportunities for a real advance in Cyprus that will merit the support of HMG.

7. We have a number of concepts that we feel would help towards a communal settlement in Cyprus, including new initiatives in the sectors of education, trade, sport, NGOs and policing and new thinking as to how the EU could facilitate constructive measures. We also believe that the Cypriot people should be given more empowerment as to the resolution of their future, perhaps through a constitutional convention.

8. We should be happy to discuss with your committee any matters relevant to Cyprus and to related British policies or actions of which we have knowledge

*Martin Packard MBE*  
Project Director, Tracemed

*11 September 2004*

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**Written evidence submitted by Council of Turkish Cypriot Associations in UK**

**CONSIDERATIONS ON CYPRUS WITH PARTICULAR REFERENCE TO THE FOLLOWING QUESTIONS**

1. Should UK continue to back Annan Plan?
2. What role should the UK play in peace negotiations?
3. What are the implications of Rejection of Annan Plan on the Turkish Cypriots?
4. Should the British Government seek to alter its relationship with the North Cyprus?
5. What are the implications of Europe's relationship with Turkey?
6. What are the Implications of Europe's admission on divided island?

**1. INTRODUCTION**

These six questions invoke several areas of discussion with common and divergent determinants. The common determinants are the Fundamental Principles of International law, while the divergences are determined by domestic political systems of the Three Guarantor States, as well as regional international and global political systems. Common Jurisprudential aspects are further sub divided under two headings; Those matters which preside within Jurisdiction of Domestic Legal system and those issues which preside within Jurisdiction International Law. For instance it was conceivable in 1959 among NATO members at the height of Cold war and that of the age of decolonisation, to support the creation of Constitutional Order

and a sovereign state with all its attributes within the jurisdiction of that domestic legal system. Yet the fundamental or basic aspects of the constitutional order were un-amendable and guaranteed and subject of amendment only by the approval of the Congress of three guarantor states as confirmed by an international treaty law.

Political considerations inherent within the six questions can be analysed at three different political levels;- domestic, regional, and Global. For instance domestic political systems are governed partly by Common Law of the land and political conventions or Constitutional and Administrative law and democratic system, and local constituency organisations and Members of Parliament. While the regional inter national and Supra national organisations though while progressively becoming democratically accountable is very much determined by foreign policy considerations and general political consideration and ideologies within the conduct and management of executive branch of the state. Furthermore international political systems are determined by groups of nations whose national interests are in accord with the super power, and are led by heads of states which enjoy the confidence of executive branch of their respective sovereign states.

Thirdly, the subject matter invoked by these six questions clearly lay within the jurisdiction of International law as well as domestic national laws. For instance, the Island's constitutional order in 1960 was principally influenced by the 1933 Montevideo convention, as well as 1945 UN Charter Article 1 Paragraph 2 and 3 therefore by the Principle of Self Determination. These constitutional values while incorporating the contemporary customary international law principals, they also became basic norms of the domestic legal system of the island, guaranteed by intentional treaties signed by three sovereign nations which included UK. The paradox and complex relationship between the domestic law and international law while remaining volatile the International Courts has been declaring since 14 September 1872 with the Alabama Case, the supremacy of international law over national laws. This had been very recently touched upon by Advisory opinion of 26 April 1988 I. C. J Reports 1988 p12. Judge Schwebel stated that "no Executive in a democratic parliamentary democracy can overlook supremacy of international law over national law" non-the-less we cannot but raise the question if an executive can overlook the consequences of unpopular governmental policies in a Divided Houses of Parliament or Congress or House of Representatives very long.

In conclusion our responses to the six questions and the invoked three issues— (i) The Foreign Policy Determinants being legal and political (ii) as well combined application of National and International Law in nation- creations (iii) as well as Supremacy of International law and States obligation to global community at large, are constantly bourn in mind and adhered to here within.

(1) *Should UK continue to back Annan Plan?*

The common usage of English word "Should" implies an imperative. The present usage in the context, invoked by the questions, refer, to Britain's obligation identifiable in Public International Law. It also refers to moral obligation often fundamental to legitimisation of national and international political system thus to "political" obligation. The nature of legal and political obligation raised by the above said question can be analysed in terms of Public International Law Norms and International Political System. The Article 38 section 1 and 2 of 1946 Statute of International Court of Justice identifies the sources of legal obligation known in International law as follows:

1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

- (a) international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
- (b) international custom, as evidence of a general practice accepted as law;
- (c) the general principles of law recognized by civilized nations;
- (d) subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

2. This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto."

Firstly at a glance it seems no obligation is created by the "Good office principal of Secretary General create," under the statute and Section 38. Non-the-less while the Pacific Solution to international conflicts which constitutes danger to the world peace is a established general International Law as, *ius cogent and erga omnes* while remains subject to other fundamental principal of international law, concerning sovereignty and rights to self defence. In Nicaragua and USA Merits Case (27.6.1986 I. C. J Report 1986 Page 14) International Court of Justice held that Article 1 and Article 33 does create an obligation to search for pacific solution to international disputes along with other fundamental principals of international law of prohibitive nature.

Secondly, there was no reference to Secretary General's Good offices creating obligations on sovereign states. As Thomas Franck Professor and ad hock Judge of ICJ once commented "Secretary general wears many hats all of his own making". One respects Secretary Generals office and Security Council often takes note of his findings. However all of these create moral justification and therefore political imperative upon

one to respect Secretary General's actions as long as they are impartial and non-controversial in customary and treaty law. Thirdly we are assisted by Annan Plan's terms of reference. Secretary General declared that if both of the disputing parties had voted in favour of the plan on 23 April 2004 then plan will go further towards creating a new Constitutional order as though the island was decolonised for the second time.

This did not happen, thus Annan Plan came to its pre-determined end. If Britain continues to support this plan, then it is not Annan Initiative but British initiative. Therefore Britain has no legal nor political obligation to support Annan Plan, no more than the obligation which exists under general legal obligation for pacific solution to any international problem which is threat to world peace. This begs the next question;- Is Cyprus one such problem?

(2) *What role should the UK play in peace negotiations?*

In general one can argue that no nation has any role to play in the domestic affairs of another nation save under special circumstances such as intervention on humanitarian grounds and self defence, all of which form part of fundamental principals of general international law. However pre-emptive strike as self defence has recently been argued to be emerging contemporary international law however this is a unsettled issued. There are many samples involving intervention whose legitimacy is highly contestable under customary international law. Many will argue that *juris opinio* thus state action forms customary international law while others will argue to the contrary arguing that breaches of treaty law and fundamental principals of international law *jus cogens* (fundamental peremptory principals) which are *erga omnes* (applicable to all nations) may occur when the states feel that they are under obligation to act or not to act in international plane. These considerations must be balanced with the General State Obligation to the Global Community at large. Britain as any other sovereign state has a political and legal role in peace process which may be potential threatens to the global security.

Britain has a treaty of alliance with the island as well as being a Guarantor state with sovereign bases on the island. Thus she has obligations to play a role under fundamental principals of customary international law as well as under treaty law and UN Charter. Whether or not Cyprus problem is a threat to world peace is a subject open to debate. However this does not necessarily undervalue the relative importance of peace to the island and the region so much so that on the eve of second Iraq war Prime Minister argued that the Island and the British bases was under threat from long range missiles and weapons of mass destruction. This was a political justification for the war although it has not been pleaded in any international court as a self defence.

When we refer to specific obligation of Britain and two other Guarantor state's role in the peace process we must also refer to obligations created under international treaty, to play a role on the internal affairs of the island. All treaties are subject to fundamental principals of international law including the principal of *Pact Sunt Servant* which simply means to observe the terms of the treaty with good will. How or why such a constitutional order was deemed necessary may account for a terminology of "state of affairs" as stated in Article 2 of Treaty of Guarantee which, sums up the expresses considerations as principal determinants prevalent at the time which are still valid today.

Following extract is primary evidence and will shed light to the matter under discussion.

TREATY OF GUARANTEE

"The Republic of Cyprus of the one part, and Greece, Turkey and the United Kingdom of Great Britain and Northern Ireland 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 cooperate to ensure respect for the state of affairs created by that Constitution, Have agreed as follows:

ARTICLE II Greece, Turkey and the United Kingdom, taking note of the undertakings of the Republic of Cyprus set out in Article I of the present Treaty, recognise and guarantee the independence, territorial integrity and security of the Republic of Cyprus, and also the state of

affairs established by the Basic Articles of its Constitution. Greece, Turkey and the United Kingdom likewise undertake to prohibit, so far as concerns them, any activity aimed at promoting, directly or indirectly, either union of Cyprus with any other State or partition of the Island.

ARTICLE III The Republic of Cyprus, Greece and Turkey undertake to respect the integrity of the areas retained under United Kingdom sovereignty at the time of the establishment of the Republic of Cyprus, and guarantee the use and enjoyment by the United Kingdom of the rights to be secured to it by the Republic of Cyprus in accordance with the Treaty concerning the Establishment of the Republic of Cyprus signed at Nicosia on today's date.

ARTICLE IV 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 representations or measures necessary to ensure observance of those provisions. In so far as common or concerted action may not prove possible, each 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.

There are two fundamental terms to the Treaty of Guarantors. These are, the protection of the independence, territorial integrity and security of the Republic of Cyprus, and also the state of affairs established by the Basic Articles of its Constitution. Furthermore these two terms are interrelated and interdependent and supplementary to each other. Failure of one implies ipso fact failure of the other. Treaty of alliance is also logical extension of State of affairs on the island as expressly confirmed by the International treaties and by measures brought about by the Cold war era at the height of decolonisation period.

Political determinants of Britain's Role in 1960 are not same now. In 1960 GB has colonies thus we were still in the age of Colonisation and the era of decolonisation and the Cold war was about to become acceptable aims within global political system. Non-the-less geopolitical, and strategic importance of the island is recognised by the regional powers through out the history accounting for the sovereign basis. These basis were used during Middle East Wars form 1950s onwards including during the 2nd Iraq war of 2004. However on the whole in general terms EU members Foreign policy is determined by contemporary global political system which is dominated by UN Security Council and NATO and EU. On 27th September 1987 Danish Foreign secretary spoke on behalf of EU in 42nd General Assembly and said that:

“we affirm our strong backing for the independence, sovereignty territorial integrity and unity of Republic of Cyprus in accordance with the relevant UN resolutions. We stand fully by our previous statements and reject any action which purports to establish an independent state within Cyprus.

We also express our support to the Secretary General in his mission of good office and ask those concerned to cooperate with him in search for a solution to this problem of international concern and to refrain from words of actions that might adversely affect the prospects of solution by peaceful means”

On 24 April 2004 EU Commission directly released a Statement:

The European Commission deeply regrets that the Greek Cypriot Community did not approve the comprehensive settlement of the Cyprus problem, but it respects the democratic decision of the people. A unique opportunity to bring about a solution to the long lasting Cyprus issue had been missed.

The European Commission would like to warmly congratulate Turkish Cypriots for their “Yes” Vote. This signals clear desires of the community to resolve the island's problem. The commission is ready to consider ways of further promoting economic development of the Northern part of Cyprus. The Commission will start its internal reflections on the new situation and will present its views to the Council of Ministers meeting to be held in Luxemburg next Monday. We wish to thank the UN Secretary General and his Good offices team who have worked so hard for a comprehensive solution and for their close cooperation with the European Commission in drawing up their plan”.

Non-the less on 1 May 2004 EU accepted membership of Republic of Cyprus into EU with all its imperfection of international legal personality.

*What is the political role Britain in peace negotiation in the current state of affairs?*

These can be summed up under several headings;

Firstly as stated in 42nd assembly “ask those concerned to cooperate with him in search for a solution to this problem of international concern and to refrain from words of actions that might adversely affect the prospects of solution by peaceful means”.

It is reasonable for Britain to argue that intentional legal personality of a sovereign state—and even in the case of lesser sovereign state as in this case—is not determined by “recognition principal” only but also by reference to “constitutive” principal too. This will not mean breach of impartiality but a measured response to continuous breach of principal of Pact Sunt Servant by one of the community of two. After all the international legal personality was vested equally on both communities and usurped by one since 1963.



We are assisted by International Court Decisions on this matter by the following Advisory Opinion:

Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947 Advisory Opinion of 26 April 1988 I.C.J. Reports 1988, p 12 [pp 34–35]

. . .inter alia It would be sufficient to recall the fundamental principle of international law that international law prevails over domestic law. This principle was endorsed by judicial decision as long ago as the arbitral award of 14 September 1872 in the Alabama case between Great Britain and the United States, and has frequently been recalled since, for example in the case concerning the Greco-Bulgarian “Communities” in which the Permanent Court of International Justice laid it down that “it is a generally accepted principle of international law that in the relations between Powers who are contracting Parties to a treaty, the provisions of municipal law cannot prevail over those of the treaty (P.C.I.J., Series B, No 17, p 32).

[p 42 S.O. Schwebel] It is axiomatic that, on the international legal plane, national law cannot derogate from international law, that a State cannot avoid its international responsibility by the enactment of domestic legislation which conflicts with its international obligations. It is evident that a party to an agreement containing an obligation to arbitrate any dispute over its interpretation or application cannot legally avoid that obligation by denying the existence of a dispute or by maintaining that arbitration of it would not serve a useful purpose.”

We are further assisted by the robust statement of Judge Kreca in Application of the Convention on the Prevention, and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia), Preliminary Objections, Judgment of 11 July 1996, I.C.J. Reports 1996, p. 595 [pp. 621-622] 44.

According to the second objection of Yugoslavia, the Application is inadmissible because, as Mr Alija Izetbegović was not serving as President of the Republic—but only as President of the Presidency—at the time at which he granted the authorization to initiate proceedings, that authorization was granted in violation of certain rules of domestic law of fundamental significance. Yugoslavia likewise contended that Mr Izetbegović was not even acting legally at that time as President of the Presidency. The Court does not, in order to rule on that objection, have to consider the provisions of domestic law which were invoked in the course of the proceedings either in support of or in opposition to that objection. According to international law, there is no doubt that every Head of State is presumed to be able to act on behalf of the State in its international relations (see for example the Vienna Convention on the Law of Treaties, Art 7, para 2 (a)). As the Court found in its Order of 8 April 1993 (I.C.J. Reports 1993, p 11, para 13), at the time of the filing of the Application, Mr Izetbegović was recognized, in particular by the United Nations, as the Head of State of Bosnia and Herzegovina. Moreover, his status as Head of State continued subsequently to be recognized in many international bodies and several international agreement—including the Dayton-Paris Agreement—bear his signature.

[p 704–705 D.O. Kreca] Can the fact that “[i]n the United Nations and in the International Conference on the former Yugoslavia, Mr Izetbegović has been regarded and continues to be regarded as the President of Bosnia-Herzegovina” change the legal order established by the Constitution of Bosnia and Herzegovina? The answer to this question can only be negative, as if this were not the case, we would find ourselves in the absurd situation of attributing to the institution of recognition, which is in practice an eminently political act constitutional powers, the power to change the internal political structure of a State. Another conclusion may be drawn however—that the international community organized within the United Nations was in legal error (error juris), judging from the meaning of the formulations used in the aforementioned letter, with regard to the nature of the institution of Head of State in the constitutional system of Bosnia and Herzegovina.

38. In the light of the relevant provisions of Bosnia and Herzegovina’s internal law, it is evident that Mr Alija Izetbegović was without constitutional authority to act in the capacity of President of the Presidency of Bosnia and Herzegovina as of 21 December 1991. The relevance of that fact cannot be denied in the domain of international law, as, in my view, we are faced with a general legal principle according to which:

“the act of an official cannot juridically be set up as an act of State unless it was within the sphere of competency of that official. The act of an incompetent official is not an act of the State.” 87

39. This general principle is also expressed in Article 8 of the Convention on the Law of Treaties (1969). A measure taken by an official outside the sphere of competence of that official is by definition a non-existent measure, a measure limited to the factual sphere as it is devoid of legal effect. In that respect the qualification contained in the commentary on Article 8 of the Convention on the Law of Treaties is applicable per analogiam:

“where a person lacking any authority to represent the State in this connection purported to express its consent to be bound by a treat; the true legal position was that his act was not attributable to the State and that, in consequence, there was no question of any consent having been expressed by it . . . the unauthorized act of the representative is without legal effect”

Secondly Britain must remind EU that she protests well into 1969 on every occasion when 1960 constitutional order was demolished by one community while the other was subjected to political and armed repression necessitating the arrival of UN on to the island in 1963 and that is why Annan Plan came about some 40 years later. Britain's role in these processes are legally and politically supportable .

Thirdly Britain in its role as a moderator between other two Guarantors and UN and EU is helped by peremptory principals of international law and Principals of Self determination in the age of Post Colonialism. British role cannot be one of balance of power and diplomacy without reliance of on international law. This role should activated by displaying balanced diplomacy with international jurisprudence. Sadly this has been seriously wanting .The role may be better understood if one looks at the nature of the dispute and consider the appropriate diplomatic and judicial measures by way of defensible intervention. The political role of the guarantors is determined by the nature of the conflict which must take "national interests into account". One of the parties to the dispute mistakenly assumes, that the island before it was colonised was a terra nullius and under the political order created by colonialism in 1924 and that, it was possible to divide the population contrary to the Montevideo Convention, but according to the terms best referred to as "Fundamental rights and majority and minority". The opposing community holds the view that prior to 1924 GB colonisation the land was territory of another sovereign state who lost it as direct result of First World War. The fact that ethnic composition of the island is understood in terms of 1933 Montevideo Convention does not mean that the island at the end of the decolonisation period should returned to the status prior to annexation. Nor can one support the suggestion of majority and minority principle as being a safe assumption, in the age of post colonial self-determination. In short the argument is between the supporters of self determination in post decolonisation era and majority who had rejected power sharing constitutional order guaranteed in 1960. Subsequently the other community who was the co founders of the republic was also subjected to legal and political deprivation contrary to rights acquired under the 1960 constitutional defined as "to as state of affairs" in which their international legal personality had been nullified to this day.

In conclusion UK as member of Security council and NATO and EU and guarantor has a special and unique political role to play impartially and equitably since she also legal obligation, to observe the principals of self determination under UN Charter now ius cogens and erga omnes under the treaty of guarantors of 1960

(3) *What are the implications of Rejection of Annan Plan on the Turkish Cypriots?*

The answer to this question lays in response to two questions:

What did the Annan Plan attempt to alter? And

What are the consequences of its failure?

Secretary general described his mission in the introduction to the security Council United Nations S/2003/398 on 1 April 2003 as Report of the Secretary-General on his mission of good offices in Cyprus

"Summary Under my auspices, an intensive effort was undertaken between 1999 and early 2003 to assist the two sides in Cyprus to achieve a comprehensive settlement of the Cyprus problem. This effort was undertaken in the context of a unique opportunity which, had it been seized, would have allowed a reunited Cyprus to sign the Treaty of Accession to the European Union on 16 April 2003. Proximity talks were held from December 1999 to November 2000, and direct talks from January 2002 to February 2003. During the process the parties were not able to reach agreement without third-party assistance. Accordingly, I submitted a comprehensive settlement proposal on 11 November 2002, a first revision on 10 December 2002, and a second revision on 26 February 2003. The plan required a referendum before 16 April 2003 to approve it and reunify Cyprus. At The Hague on 10 and 11 March 2003, it became clear that it would not be possible to achieve agreement to conduct such a referendum, and the process came to an end. My plan remains on the table. I do not propose to take a new initiative without a solid reason to believe that the political will exists necessary for a successful outcome."

Secretary general concerned with accession as well resolving the problem and this is evident in the proposals index which came to be known as Annan Plan.

- A. Foundation Agreement
- B. Constituent State Constitutions
- C. Treaty on matters related to the new state of affairs in Cyprus
- D. Draft Act of Adaptation of the terms of accession of the United Cyprus Republic to the European Union
- E. Matters to be submitted to the United Nations Security Council for Decision
- F. Measures to be taken during April 2004

There is no difference between the Annan Proposals and the Command Paper which was published in 1960 at the time of decolonising the Island by bestowing sovereignty on the state in which power was shared proportionally between two ethnic communities.

It is therefore defensible to argue that the principal consideration which were present at the time of decolonisation, in 1960 such as luck application of principal of self determination was very much present in 1999 when Annan Plan set out to rectify this imperfect international legal personality of the island.

Fundamental criticism which may be levelled against the Plan is that it was totally based on politics and diplomacy without involving institutions of International law. Evidence in support is found in the closing sentence of the Secretary General “My plan remains on the table. I do not propose to take a new initiative without a solid reason to believe that the political will exists necessary for a successful outcome.”

How can there be a political will on the island if one community is the total beneficiary of international legal personality while the other is totally deprived of? How can this be expected when an army is needed to protect life and liberty of a community from the other?

The answer to both questions show how unjust circumstances can be when only political norms are used without application of jurisprudential principals to conflict resolution at intentional and national plane.

What are the consequences of failure of the plan?

The answer is simple:

Continuations of state of affairs, which the Guarantor nations set out to guarantee in 1960 and failed to do so during 1963–68. As result one community is seen as being vested and other not vested with international legal personality, contrary to the 1960 Constitution.

Treaty of guarantee was aimed at by “Greece, Turkey and the United Kingdom, taking note of the undertakings of the Republic of Cyprus set out in Article I of the present Treaty, recognise and guarantee the independence, territorial integrity and security of the Republic of Cyprus, and also the state of affairs established by the Basic Articles of its Constitution. Greece, Turkey and the United Kingdom likewise undertake to prohibit, so far as concerns them, any activity aimed at promoting, directly or indirectly, either union of Cyprus with any other State or partition of the Island.”

Without the protection of 1960 Constitutional order Turkish Community is deprived of the benefits of 1933 Montevideo Convention, benefits under 1945 UN Charter and total benefits of 1954–75 decolonisation period advanced to the humanity by the Global political system. Suffering of humanity in all four corners of the world from terrorism, hunger and diseases an unjust division of wealth and natural resources because of “failed state” syndrome is primary concern of every international political order. What is unjust on the island is that process of rectification has been in place since 1960 and International community miserably failed to pay attention to simple principal of Pact Sunt Servant . Failure of Annan plan means perpetuation of this miserable state of affairs.

(4) *Should the British Government seek to alter its relationship with the North Cyprus ?*

This question invokes further two questions:

What stand should UK take towards the legal personality of the Republic be?

What should the UK relationship towards South of the Island and to the North of the island?

In response to the first question one can say that Britain’s obligation to the island is established under Customary as well as by treaty law. Therefore these obligations imposed equitable treatment of the two communities on which international legal personality of the republic is vested. If the *independence, territorial integrity and security of the Republic of Cyprus, and also the state of affairs established by the Basic Articles of its Constitution* no longer in force within domestic jurisdiction then this should be reflected in the application of intentional law to the relationships between perfectly sovereign state and imperfectly sovereign state.

Therefore it is inherently unjust to treat one community different form the other as guarantor power with above said obligation specially *ipso facto independence, territorial integrity and security of the Republic of Cyprus, and also the state of affairs established by the Basic Articles of its Constitution*, when this no longer the reality on the island and all those matters to have been guaranteed have been compromised.

Therefore the North should not be treated any different form the South and the international legal personality of the Republic should be sought in the political order founded in North and in the South of the island.

This is justifiable both on political and ethical grounds since intentional law is totally ignored. Had Intentional law been applied justly, Turkish Community would have been given proportional international legal personality, equitably sustainable both within imperfect domestic jurisdiction and in within the jurisdiction of the international law. But sadly this has not been the case.

This intolerable situation had risen because neither the constitution of 1960 was safeguarded nor proper laws of state succession been applied when international community failed to recognising the failure of “State” in 1968 where one of two communities constituting the sovereign state had been depoliticised and deprived its international political personality.

It is with regret that instead of suspending the international legal personality of the Republic in its current imperfect constitutional state, it has been further integrated with other supra national order as EU.

(5) *What are the implications of Europe's relationship with Turkey?*

The link between Turkey and some of the members constituting EU known to international law starts in 1924. The creation of common institutions continue to flourish through 1945 to present day save actual accession into EEC then what became known as EC and finally into EU. There is no link known to international law between Turkey and EU and Cyprus other than an argument which rages: could Cyprus enter any organisation or state without the membership of Turkey GB and Greece being its members?

We referred to ARTICLE I of Treaty of Guarantee. "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. It accordingly declares prohibited any activity likely to promote, directly or indirectly, either union with any other State or partition of the Island."

It is possible to argue that many envisaged EEC progressing from economic social integration form 1957 onwards towards military union and pursuance of common foreign policy with express desire to become principal international actor in intentional political systems in 2002 so much so that in 2004 draft Constitution has been prepared for Federal State of Europe.

Therefore there is merit in the argument that EEC and now EU is a supranational entity with international legal personality thus within the above said provision preventing the islands entry into EU.

Non the less consequently, as stated by Secretary General EU played a role in influencing political opinion on the island and Erdogan Government in Turkey. These policies are normatively subjected to moral analysis, and ends must justify the means. Furthermore not all ends justify the means. Turkish community is totally deprived its entitlement to self determination as though the decolonisation age has passed them by, in spite of the fact they were the very few first colonies to be decolonised in 1960.

Therefore Current policy of EU to be a catalyst has totally failed on the island in view of the referendum of 2004.

The conflict resolution process deployed seems to be too much political and little jurisprudential, thus became subject to criticism that the diplomatic front since 1992 has been one of apology to a failed state of 1960 Republic.

(6) *What are the Implications of Europe's admission on divided island?*

Politically speaking EU had removed any incentives Greeks might have had to resolve the problem by being admitted to EU as the sole benefactress of international legal personality attributed to 1960 Republic, while the Turkish Cypriot community is exposed to arbitrary rule of EU law since they had no say in the negotiation stage.

Legally, EU attributed *de jure* status to Greek Cypriot usurpation of island's international legal personality which had been defacto since 1963. Turkish Cypriots remain the victim of usurpation since 1963. Finally we are very mindful of Judge Can Krecia of ICJ in 1996 Bosnia case.

the fact that "[i]n the United Nations and in the International Conference on the former Yugoslavia, Mr Izetbegović has been regarded and continues to be regarded as the President of Bosnia-Herzegovina" change the legal order established by the Constitution of Bosnia and Herzegovina?

The answer to this question can only be negative, as if this were not the case, we would find ourselves in the absurd situation of attributing to the institution of recognition, which is in practice an eminently political act constitutional powers, the power to change the internal political structure of a State. Another conclusion may be drawn however—that the international community organized within the United Nations was in legal error (error juris), judging from the meaning of the formulations used in the aforementioned letter, with regard to the nature of the institution of Head of State in the constitutional system of Bosnia and Herzegovina.

38. In the light of the relevant provisions of Bosnia and Herzegovina's internal law, it is evident that Mr Alija Izetbegović was without constitutional authority to act in the capacity of President of the Presidency of Bosnia and Herzegovina as of 21 December 1991. The relevance of that fact cannot be denied in the domain of international law, as, in my view, we are faced with a general legal principle according to which:

"the act of an official cannot juridical be set up as an act of State unless it was within the sphere of competency of that official. The act of an incompetent official is not an act of the State." 87

39. This general principle is also expressed in Article 8 of the Convention on the Law of Treaties (1969).

A measure taken by an official outside the sphere of competence of that official is by definition a non-existent measure, a measure limited to the factual sphere as it is devoid of legal effect. In that respect the qualification contained in the commentary on Article 8 of the Convention on the Law of Treaties is applicable per analogism: "where a person lacking any authority to represent the State in this connection purported to express its consent to be bound by a treat;, the true legal

position was that his act was not attributable to the State and that, in consequence, there was no question of any consent having been expressed by it . . . the unauthorized act of the representative is without legal effect”.

Since EU accepted a divided island with a failed constitutional order since 1963. One cannot be optimistic in an attempt to defend the view that that EU is a catalyst in conflict resolution in view of the Greek Cypriot rejection of power sharing as guaranteed in 1960 thus effects of EU policy on Cyprus has been unhelpful.

In conclusion we have endeavoured as loyal subjects, with interminable interest in the affairs of the island with a commitment to peaceful and lasting solution sustainable legally and politically for the benefit of world peace to offer reasoned and just response in honest desire to be helpful to the Honourable Committee, in readiness to appear before any hearing.

*Ali Ratip and Ahmet Mustafa Osam*

Chairman, Political Committee, Council of Turkish Cypriot Associations in UK

7 September 2004

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### Written evidence submitted by Ayios Amvrosios Association

We are grateful for the opportunity to submit the following contribution to the Committee of Foreign Affairs Inquiry About Cyprus.

#### ABOUT OUR ORGANISATION

Ayios Amvrosios Association UK is a refugee organisation based in London. All of its members are former inhabitants of the town of Ayios Amvrosios (Saint Ambrose), 20 miles east of Kyrenia, on the northern coast of Cyprus, which is currently under Turkish military occupation. The members of Ayios Amvrosios Association now live in London and other major UK towns. Many of them arrived in the UK immediately after the invasion of Cyprus by Turkey in 1974 and some came earlier in the 1950s and 1960s.

The town of Ayios Amvrosios is situated at the foot of the Pentadactylos (five finger) mountain range, reaching as far as the coastline. Ayios Amvrosios is surrounded by green valleys, apricot orchards and olive groves. The inhabitants, all of Greek Cypriot origin numbered approximately 3,000. They were mainly employed locally in agriculture and small businesses, with some commuting to Kyrenia, or to the capital Nicosia. The land owned by the people of Ayios Amvrosios was extensive, covering an area of almost 20 miles radius around it. The town was bustling with life, tourism was beginning to reach the area and the future seemed very promising. However all this came to an abrupt end when Turkey began its brutal invasion in 1974.

For those of us who were unlucky to be there at the time of the two invasions, this was a traumatic experience. The Turkish military machine was mercilessly pounding the area from land, sea and air. We evacuated Ayios Amvrosios on 14 August after the commencement of Turkey's second and most brutal and devastating invasion. All the inhabitants of Ayios Amvrosios were ethnically cleansed by the Turkish invaders. They became refugees and were scattered around the free part of Cyprus. Many of them, like our members, emigrated to various countries around the world.

Ayios Amvrosios is a founding member of Lobby for Cyprus and having read its submission to the Committee we would like to declare that we wholeheartedly agree with it and endorse it.

However we, as a refugee organisation would like to add our own observations and concerns about the Cyprus issue and the Annan plan.

#### BACKGROUND FACTS

We would like to urge the members of the Committee to refresh their memories about the origins of the Cyprus issue and to have in mind during their decision making process the following brief but important facts.

Turkey invaded Cyprus in 1974 under the most conspicuous circumstances, following the Dr Kissinger inspired coup which was executed by the then Athens junta (see Christopher Hitchens—“The trial of Henry Kissinger”). The western media often attempts to justify Turkey's invasion by claiming that the coup was organised in order to unite Cyprus with Greece. The fact that Turkey was ready to invade Cyprus immediately after the coup confirms that the whole issue was orchestrated in order to bring about the downfall of president Makarios and to open the way for Turkey to invade, using as a pretext its alleged right to intervene under the 1960 Treaty of Guarantee.

Following Turkey's double invasions on 20 July and 14 August 1974, the following devastating events took place:

- 200,000 Greek Cypriots were forcibly removed from their homes in the occupied area and made refugees.
- 6,000 Greek Cypriots including many civilians lost their lives.
- 1,000 Greek Cypriot women and young girls were raped. Such was the magnitude of the problem that the government of the Republic of Cyprus passed a law to legalise abortion.
- Over 1,500 people including civilians are missing. The youngest was three years of age, the eldest in their nineties. They are still unaccounted for, yet Turkey and its puppet regime refuse to provide any information on their fate. Twelve of the missing are young men from Ayios Amvrosios, the youngest was 16 years of age and the eldest 27.
- 502 churches, chapels and monasteries were vandalised, converted to stables and mosques with priceless icons, wall paintings and artefacts sold to the highest bidder around the world. Our own church of Saint Amvrosios has been stripped bare and converted to a mosque. The unique 12th century church of the monastery of Antifonitis, one of only two of its kind in the world, situated on the mountainside just outside the town, was totally destroyed. Frescoes were removed and illegally exported to Holland.
- The enclaved Greek Cypriots in the Karpass peninsula numbering 20,000 in 1974 after the invasion, are now less than 500, mainly elderly. Following years of torture, intimidation and violation of their human rights and dignity. It is worth informing the Committee that the enclaved children were for 30 years denied secondary education in the occupied area, and were forced to go to the free areas for further education and were then denied entry back in to the occupied areas to rejoin their families. This deliberate policy was successful for the Turks as the dwindling number of the enclaved shows.

More than 120 United Nations and Security Council resolutions, deplore Turkey's military action against Cyprus, call for the withdrawal of Turkish troops and for the respect of the territorial integrity, and sovereignty of the Republic of Cyprus and urge that no country recognises the illegal regime in the north.

Needless to say, no action has ever been taken by the UN to ensure the implementation of its own resolutions, unlike the decisive action shown by the international community in dealing with other issues around the globe.

We hope that the Committee can now understand the pain, frustration and total helplessness of the Greek Cypriots who justifiably feel abandoned by the international community.

Since 1974, many attempts were made to bring about a negotiated settlement but all failed due to Turkey's and Mr Denktash's intransigence. On six occasions the Turks walked out of high-level negotiations, citing excuses such as ill health, Turkish elections, so called elections in the occupied north and Ramadan.

Each time a new round of negotiations commenced, the Greek Cypriots were forced to make further concessions with the Turkish side making absolutely none.

Finally in November 2002 the United Nations presented to the two sides the first of five drafts of the Secretary General's Kofi Annan plan in an attempt to reach a settlement prior to the ratification of Cyprus's accession to the EU which would have taken place in December of the same year at the summit of EU heads of states.

#### THE ANNAN PLAN

There is absolutely no doubt that this Plan was ambiguous and virtually impossible for the ordinary voter to understand. The Cypriot voters had no access to the plan in its entirety until a few hours before the referendum. It was designed to meet the maximum demands of Turkey and was justifiably seen by the Greek Cypriots as a devious attempt to legalise the current status quo, appease Turkey as a reward for its alliance with the US and open the way for its accession to the EU.

No attempt whatsoever was made by those instrumental in drafting the plan (in particular the UK government's representative Lord Hannay) to take into consideration the facts stated above, or to make an attempt to restore some justice to the victims, the Greek Cypriots. Instead, they added insult to injury, believing that the Greek Cypriots would accept whatever plan was put in front of them.

In this submission we will not attempt to analyse the many deficiencies of the main provisions of the plan. This has been covered in Lobby for Cyprus's submission and no doubt by others with more expertise than us. But we would concentrate on the issue of the return of the refugees, which is very close to the hearts and minds of everyone of our members and indeed of all Greek Cypriot refugees.

Please note that under the Annan plan Ayios Amvrosios is not in the area that would be subject to territorial adjustment and will fall under Turkish Cypriot control.

If the Annan plan was implemented, would the former inhabitants of Ayios Amvrosios, have the right to return to their beloved town? After all they have been waiting and longing for this, for 30 years.

This is what the relevant paragraph of the final Annan plan says

Article 3 Paragraph 7

In addition, for a transitional period a constituent state may, pursuant to constitutional Law, limit the establishment of residence by persons hailing from the other constituent state. To this effect, it may establish a moratorium until the end of the fifth year, after which limitations are permissible if the number of residents hailing from the other constituent state has reached six% of the population of a village or a municipality between the sixth and ninth years and 12% between the 10th and 14th years and 18% of the population of the relevant constituent state thereafter until the 19th year or Turkey accession to the European Union, whichever is earlier. After the second year no such limitations shall apply to former inhabitants over the age of 65 accompanied by a spouse or sibling, nor to former inhabitants of specified villages.

Here is what we perceive the above to mean in the case of the legitimate inhabitants of Ayios Amvrosios. We estimate that the Turks currently living in our homes are around one thousand—for the record, almost all of them are colonists (settlers) from Turkey.

- (a) Ayios Amvrosios is not a “specified village” so all restrictions apply;
- (b) inhabitants such as our members who were forced to emigrate after the invasion are not allowed to return as they are not “persons hailing from the other constituent state”;
- (c) from 0 to five years after accepting the Plan nobody returns;
- (d) from six to nine years, 60 are permitted to return (6%);
- (e) from 10 to 14 years 120 are permitted to return (12%); and
- (f) from 15 to 19 years 180 are permitted to return (18%); and
- (g) anybody over the age of 65 can return after the second year.

The above make a mockery of the human and legal rights of the refugees. It is contrary to the United Nations charter and UN’s own resolutions on the Cyprus issue and totally against European laws, principles and values.

How many 65 year olds would have the heart to go back and engage into lengthy litigation battles to have their homes, currently inhabited by Turks (See Article 10—Property) returned to them, rebuilding them and resume whatever is left of their lives, away from their families?

What happens if the number of the Turks in Ayios amvrosios decreases? According to the above, the numbers of the Greek Cypriots would have to reduce accordingly.

Would anybody expect the legitimate inhabitants of Ayios amvrosios to vote yes to the Annan or any other such Plan? It is no wonder that 76% of the Greek Cypriots rejected it.

Would any other European citizen accept such as settlement in his or her own country?

Doesn’t the UK government feel ashamed to champion such a settlement that totally contradicts its ethical foreign policy?

We urge the Committee to take the above concerns and anxieties into consideration when they are making their valued decision and to recommend to the UK government to rethink its strategy on Cyprus.

To seek a settlement that restores credibility to this country and fulfils its legal obligations to the Republic of Cyprus. A settlement that is in line with international law and the European *aqui communautaire*; that ensures all refugees return to their homes without restrictions and discrimination; that all colonists and Turkish troops return to Turkey; and that the Cypriots are allowed to rebuild their lives in peace and harmony without foreign interference in their internal affairs. A settlement that would be acceptable to any other European state and any other European citizens.

Ayios Ambrosios Association

15 September 2004

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**Written evidence submitted by Embargoed!**

1. INTRODUCTION

Embargoed! is an independent pressure group campaigning to bring an immediate and unconditional end to all embargoes against Turkish Cypriots in North Cyprus. Formed in London, where a major concentration of Turkish Cypriots resides, the group welcomes the opportunity to present this submission to the Parliamentary Foreign Affairs Committee.

In light of the recent referenda on the Annan Plan and previous legal agreements, we contend that the Greek Cypriot administration, acting under the banner of the “Republic of Cyprus”, has neither the right nor the authority to represent the Turkish Cypriot people.

For the last 40 years the Turkish Cypriot people have been in a state of isolation for no good reason. Yet the international community has been indifferent to their plight and unwilling to do anything that would fundamentally change the status quo established in Cyprus since December 1963.

The overwhelming acceptance of the Annan Plan by the Turkish Cypriot people as a permanent, comprehensive, peaceful settlement to the Cyprus Problem, and the emphatic rejection by the Greek Cypriot people of that plan, now demands a new approach by the international community. We believe the time has come for the British Government to reassess, and alter, their foreign policy towards Cyprus and more specifically to the Turkish Cypriot administration in the north of the island.

Turkish Cypriots can no longer be held hostage to the failed negotiations to reunite the island, and their ongoing, unjustified suffering as a result of the internationally supported effective embargoes must come to a swift end.

This is what the international community, including the United Kingdom (UK), agreed to undertake following the April referenda. It is essential these do not become empty promises and so undermine the Turkish Cypriots' confidence in the world, and most especially in the European Union (EU).

## 2. THE OUTCOME OF THE ANNAN PLAN REFERENDA AND THE IMPLICATIONS FOR CYPRUS

The process for the Annan Plan represented the best chance of achieving a breakthrough in the stalemate on the island. Moreover, the Plan had the backing of all the parties involved in Cyprus, the EU, the United States of America (USA) and the wider international community.

The final Plan that was put to referenda was supported by both Turkish and Greek Cypriots and acknowledged by all parties, internally and externally, to be fair solution. It gave neither side all they wanted, but it was workable if the will was there to create a new partnership State.

UN Secretary General (UNSG) Kofi Annan himself said, "There is no other plan out there—this is it". Yet the Greek Cypriot side chose to reject this opportunity to reunify Cyprus. The Greek Cypriot leader Papadopoulos said, "Saying 'yes' in the referendum would do away with our internationally recognised State exactly at the very moment it strengthens its political weight with its ascension to the European Union"<sup>88</sup>.

The Greek Cypriot attitude and vote prompted a range of negative feedback, including from the UN Security Council, which said it, "shares the UN Secretary General's disappointment that efforts since 1999 to reunify the island have not succeeded and regrets that an extraordinary historic opportunity to resolve the Cyprus issue has been missed"<sup>89</sup>.

The Turkish Cypriot people voted "yes", hoping for an end to the Cyprus Problem and their 40 year isolation through joint entry into the EU. The world applauded this positive response from Turkish Cypriots, despite the significant sacrifices the Plan required of them<sup>90</sup>. For example, for the Turkish Cypriots of Guzelyurt, in North West Cyprus, voting in favour of the Plan meant them leaving their homes of the past 30 years and becoming refugees all over again.

It was this courage and goodwill that prompted the UNSG and many other world leaders and international bodies to promise changes in Cyprus that would end the isolation of Turkish Cypriots. The UNSG report of 28 May 2004 to the UN Security Council<sup>91</sup> expressed in no uncertain terms the paradigm shift expected from the countries dealing with the Turkish Cypriots:

"The decision of the Turkish Cypriots is to be welcomed. The Turkish Cypriot leadership and Turkey have made clear their respect for the wish of the Turkish Cypriots to reunify in a bicomunal, bizonal federation. The Turkish Cypriot vote has undone any rationale for pressuring and isolating them. I would hope that the members of the Council can give a strong lead to all States to cooperate both bilaterally and in international bodies, to eliminate unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development—not for the purposes of affording recognition or assisting secession, but as a positive contribution to the goal of reunification."

The views of the UN were also reflected in the comments from various European Union representatives:

EU Enlargement Commissioner Verheugen's 25 April 2004:

"A unique opportunity to bring about a solution to the long-lasting Cyprus issue has been missed. What we will seriously consider now is finding a way to end the economic isolation of the Turkish Cypriots."

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<sup>88</sup> Speech broadcast in South Cyprus on 7 April 2004.

<sup>89</sup> Security Council Statement on Cyprus, 28 April 2004.

<sup>90</sup> United Nations Secretary General's statement, 24 April 2004.

<sup>91</sup> UNSG Report S/2004/437.



The European Union Parliamentary Assembly Resolution, no 1376 (2004), stated:

“The Assembly pays tribute to the Turkish Cypriots, who supported the Annan Plan by an overwhelming majority, thus opting for a future in Europe. The international community, and in particular the Council of Europe and the European Union, cannot ignore or betray the expressed desire of a majority of Turkish Cypriots for greater openness and should take rapid and appropriate steps to encourage it. The Turkish Cypriots’ international isolation must cease.

The Assembly therefore welcomes the support expressed by several European political leaders for financial assistance for the Turkish Cypriots and an easing of the international sanctions against them. The United Nations should also consider whether the resolutions on which the sanctions are based are still justified. The Assembly considers it unfair for the Turkish Cypriot community, which has expressed clear support for a reunited and European Cyprus, to continue to be denied representation in the European political debate. Such continued isolation may help strengthen the positions of those who are opposing a unified Cyprus.”

Five months have passed since the referenda. Despite their yes vote and the many promises from around the world to end their isolation, very little has changed for the Turkish Cypriots. The “embargoes” still exist. The same status quo on the island, where one people’s rights are recognised, the other’s is not, still exists.

Should this status quo continue into the foreseeable future, the Turkish Cypriots’ goodwill towards the Greek Cypriots, the EU and the international community will be destroyed. At the same time, for the Greek Cypriot administration and people to continue to exercise the same dominance over the affairs of the whole of Cyprus will continue to ensure they have no incentive to compromise and establish the international vision of a federal solution.

Surely the fairest outcome following the Greek Cypriots’ vote against the Annan Plan, which prevented a unified Cyprus acceding to the EU, is that they can no longer be allowed to exercise control over matters that relate to North Cyprus, and Turkish Cypriots and the EU? The Turkish Cypriots must be empowered and dealt with on an equal footing with Greek Cypriots.

### 3. THE ONGOING SUFFERING OF THE TURKISH CYPRIOT PEOPLE

The information below relating to the North-South divide in Cyprus underlines the need to change the status quo. It shows the adverse effect of the embargoes on the every day lives of Turkish Cypriots, while their Greek Cypriot neighbours continue to benefit from being the sole recognised entity on the island. There is no justification for this.

#### *GNP per capita*<sup>92</sup>

- The average Turkish Cypriot earns \$5,000 per year
- The average Greek Cypriot earns \$15,000 per year

#### *Purchasing power*<sup>93</sup>

- North Cyprus: \$787 million
- South Cyprus: \$9.4 billion

#### *Exports*<sup>94</sup>

- North Cyprus: \$46 million
- South Cyprus: \$1.03 billion

#### *Impact of 5 July 1994 European Court of Justice (Case C-432/92) judgement on North Cyprus trade with the European Union (EU)*

- EU member states not permitted to import fruit and vegetables from North Cyprus without a certificate issued by the Greek Cypriot authorities
- In 1993, North Cyprus exports to the EU totalled almost \$37 million. 10 years later, as a direct consequence of this ruling, exports dropped to £12.5 million<sup>95</sup>
- In contrast, “EU countries constitute the most important markets” for Greek Cypriots, with 54% of exports EU bound in 2003 generating £117 million<sup>96</sup>

#### *Time and cost to fly to Cyprus from the UK*

- North Cyprus: flight from London to Ercan, Nicosia via Turkey—six hours, average cost £270 per adult<sup>97</sup>

<sup>92</sup> CIA World Factbook, 2003, website: [www.indexmundi.co](http://www.indexmundi.co)

<sup>93</sup> CIA World Factbook, 2003, website: [www.indexmundi.co](http://www.indexmundi.co)

<sup>94</sup> CIA World Factbook, 2003, website: [www.indexmundi.co](http://www.indexmundi.co)

<sup>95</sup> Figures taken from Turkish Cypriot Chamber of Commerce website, <http://www.ktto.net/english/export1.xls>

<sup>96</sup> Section 3.2 of the “CYPRUS EXTERNAL TRADE DEVELOPMENTS IN 2003” report, produced by Greek Cypriot authorities <http://www.cyprus.gov.cy/cyphome/govhome.nsf/0/>

<sup>97</sup> Cyprus Turkish Airlines, <http://www.kthy.net/>

- South Cyprus: direct flight from London to Larnaca—4.5 hours, cheap flights as low as £116 per adult<sup>98</sup>

*Time taken for a UK posted letter to arrive*

- North Cyprus (via Mersin 10, Turkey): one-two weeks
- South Cyprus: three-four days<sup>99</sup>

*Participation in international sporting and cultural events*

- North Cyprus: representation not permitted in any international events, such as the Olympics, the Eurovision Song Contest, or the World Cup—even friendly football matches with other international club and national teams are banned<sup>100</sup>
- South Cyprus: can represent ‘the whole island’ in any international social, sporting or cultural activity

As can be seen from above, Turkish Cypriots continue to live as second class citizens in their own homeland. They have endured this for 40 years—ever since Greek Cypriots seized physical and political control of the island in December 1963.

Today, Turkish Cypriots may not be in physical danger and their economy propped up by Turkey. Yet Turkish Cypriots continue to be denied their basic human rights through a range of Greek Cypriot imposed embargoes that obstruct every aspect of their lives:

- Denying their right of representation in international political fora;
- Preventing direct travel abroad—all flights to international destinations require a stopover in Turkey, which increases the time and cost of the flight;
- Reducing North Cyprus postal services to a PO Box in Turkey (Mersin 10). All other communication with the rest of the world also only possible via Turkey;
- Restricting trade and tourism opportunities between North Cyprus and the outside world;
- Barring Turkish Cypriot enjoyment of cultural and sporting relations with people from other countries, including Turkey.

Why do Greek Cypriots seek to impose these embargoes? Their purpose was, and still is to bully Turkish Cypriots into accepting a settlement only on Greek Cypriot terms.

The intensive lobbying of Governments, institutions and individuals has ensured many steer clear of North Cyprus, which Greek Cypriot propaganda positions as a pariah state<sup>101</sup>. Any efforts by external groups to create direct links between North Cyprus and the outside world is met by a wave of Greek Cypriot deterrents ranging from financial penalties to threats. Details of these efforts have been documented by many sources, including the internationally recognised Turkish Cypriot Chambers of Commerce<sup>102</sup>.

Greek Cypriots get away with such tactics through the continued indifference of the international community to the plight of Turkish Cypriots. Their sole presence in the global political arena means the domination and manipulation of decisions that reinforce their position, such as the UN Security Council Resolution 541 (1983), which calls upon the world not to recognise any Cypriot State other than “the Republic of Cyprus”.

However, there is no UN resolution which gives the Greek Cypriots alone the right to call themselves the ‘Government of Cyprus’ and even resolution 541 is advisory, not mandatory. Yet the international community chooses to treat the Greek Cypriots as such, and ignore the legal, political and human rights of the Turkish Cypriots.

Even the recent European Union actions to help promote the economic development of North Cyprus, such as Council Regulation (EC no 866/2004), also known as the Green Line Regulation, shows undue sympathy to the Greek Cypriot cause at the expense of Turkish Cypriots. The EU continues to follow Greek Cypriot demands that Turkish Cypriot exports can only enter the EU via South Cyprus. This creates added bureaucracy, complexity and cost for Turkish Cypriot businesses:

<sup>98</sup> For prices, <http://www.cheapflights.co.uk/flights/Larnaca/>, for travel duration, <http://www.cyprusairways.com/main/>

<sup>99</sup> Royal Mail.

<sup>100</sup> FIFA decision in 1987, as expressed in letter dated 22 June 1987 from JS Blatter, General Secretary of FIFA, to the Cyprus Turkish Football Association.

<sup>101</sup> See the Turkish Cypriot Chamber of Commerce publication “Embargoes and isolation of North Cyprus” for examples of Greek Cypriot lobbying to block Turkish Cypriot ties with the outside world <http://www.ktto.net/english/ya20020101.html>. In addition, the following is an extract from the Greek Cypriot Official Tourism website (13/09/04), used to deter travellers visiting North Cyprus:

“All airports in the part of the Republic illegally occupied by the Turkish invasion forces, have been declared by the Government of Cyprus as prohibited ports of entry and exit, and no visitor should enter or leave the Republic through these ports.

As a result of the Turkish invasion and military occupation of the northern part of Cyprus, the port of Ammochostos and the Keryneia harbour are closed to shipping and navigation, and have been declared by the Government of Cyprus as prohibited ports of entry and exit, and no visitor is allowed to enter or leave the Republic through these ports”

<http://www.visitcyprus.org.cy/ctoweb/ctoweb.nsf/Main?OpenFrameSet>

<sup>102</sup> <http://www.ktto.net/english/ya20020101.html>

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- They must register an address in South Cyprus together with an accounting system before they can export to the EU
  - All goods produced in North Cyprus are liable to pay VAT in both South Cyprus and the member State the goods are exported to
  - Businesses that export goods produced in the North will be obliged to pay company tax in both North and South Cyprus
  - Turkish Cypriots continue to be deprived of using the more conveniently located air and sea ports in North Cyprus for direct trade and travel purposes
  - Even though the Turkish Cypriots voted ‘yes’, North Cyprus is refused direct financial aid as a political settlement has not been reached

It is time for this unnecessary suffering and unjust isolation of the Turkish Cypriots to end. Turkish Cypriots have done nothing to deserve such treatment and as the recent referenda results show, continue to place their trust and good will in the hands of the international community.

#### 4. THE UK’S SPECIAL RESPONSIBILITY TO TURKISH CYPRIOTS

The British Government has a legal duty, as a result of the Treaty of Guarantee of 1960, to maintain the political equilibrium established between the Greek Cypriots and Turkish Cypriots, as set of in the 1960 Constitution of the independent Republic of Cyprus.

This equilibrium was shattered in December 1963, with the subsequent expulsion of the Turkish Cypriots from the Cyprus Government in 1964. No legal Government of the Republic of Cyprus, as defined in the 1960 Constitution, has existed since that time. In effect two administrations arose in Cyprus, one Greek Cypriot, the other Turkish Cypriot. Yet successive British Governments have only recognised the Greek Cypriot authorities.

We submit that the British Government should alter this and deal directly with the Turkish Cypriot administration. This would ensure the UK fulfils its treaty obligations to treat the two sides equally, and also reflect the practical realities of Cyprus—it is the Turkish Cypriots that exercise effective control over the northern territory. Finally, it will demonstrate to Turkish Cypriots, both in the UK and in Cyprus, that the UK promise “to help end isolation of Northern Cyprus”<sup>103</sup>, made by UK Foreign Secretary Jack Straw to Turkish Cypriot Prime Minister Mehmet Ali Talat in July 2004, is being kept.

#### 5. RECOMMENDATIONS: CREATING A POSITIVE DYNAMIC ON THE ISLAND

The Turkish Cypriot side have long argued that recognition of the rights of one side (the Greek Cypriots), whilst ignoring those of the other (Turkish Cypriots) is not only inherently unjust, but also fails to create an incentive for the recognised side to reach an agreement. Is it any wonder that the Greek Cypriots rejected the Annan Plan in April 2004, when they had already been guaranteed a place in the European Union irrespective of their voting decision?

It is time to change these negative dynamics on the island. Rewarding the Turkish Cypriots for their brave vote in favour of the Annan Plan, even though it would have resulted in considerable sacrifices on their part, would send a strong message to Greek Cypriots about their need to compromise. It would also create a more equal playing field upon which a long-term peaceful settlement is more likely.

Given its historical links and legal obligations to Cyprus, the UK has a key role to play in bringing about a positive change on the island. Embargoed!, having consulted some of the major non governmental organisations in North Cyprus<sup>104</sup>, believe the UK should spearhead the following actions:

1. Acknowledge that the Greek Cypriot Government, acting under the banner of the Republic of Cyprus, has neither the right nor the authority to represent the Turkish Cypriot people
2. Deal directly with the elected representatives and authorities of the Turkish Cypriot people
3. Push the EU for immediate amendments to the Green Line Regulation that provide a fairer, simpler and more efficient set of processes for Turkish Cypriot businesses
4. Drive EU support for a “Direct Regulation” that permits the free movement of people, goods and services between North Cyprus and the EU without the need for an intermediary
5. Admit Turkish Cypriot exports that are transported directly from North Cyprus air and sea ports into EU member States
6. Accept the Certificates of Origin of goods to EU standards issued by the authorised Turkish Cypriot bodies in North Cyprus, such as Cyprus Turkish Chamber of Industry and Turkish Cypriot Chamber of Commerce

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<sup>103</sup>The article “Straw promises to help end isolation of Northern Cyprus”, by Leyla Linton, appeared in *The Independent* on 02 July 2004.

<sup>104</sup>These include the Cyprus Turkish Chamber of Industry, the Cyprus Turkish Football Association, and Turkish Cypriot Chamber of Commerce.

7. Accredite the North Cyprus Veterinary Laboratory with the authority to issue health and plant certificates so agricultural products can be exported to the EU
8. Enable direct flights, postal and telecommunications links to and from North Cyprus
9. Remove the visa requirement on Turkish Cypriots
10. Support the participation of Turkish Cypriot organisations and representatives at international political, social, cultural, sportive events and organisations and specifically,
  - Encourage the English Football Association to support the Turkish Cypriots' efforts to secure special permission from FIFA to play friendly football matches with teams from other national associations

## 6. CONCLUSION

Now is the time to end the isolation of the Turkish Cypriots and as a first step we call upon the international community to remove, immediately and unconditionally, all effective embargoes levied against North Cyprus. There is no time to lose if the goodwill that has developed between the Turkish Cypriot people and the outside world is to be maintained.

Turkish Cypriots have been held hostage to the need for a final settlement of the Cyprus Problem for long enough. They have voted in favour of the Annan Plan whilst the Greek Cypriots overwhelmingly rejected it. There are no moral, legal or political reasons left to justify the continued isolation of North Cyprus and we therefore urge the UK Government to adopt policies that will swiftly enable the Turkish Cypriots to enjoy their inherent rights within the family of nations.

## 7. NOTES

Embargoed! contact details are as follows:

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Embargoed!

14 September 2004

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### Written evidence submitted by Cypriot Community Centre

We thank you for the opportunity to express our views on the Annan Plan and its implications for a long term solution of the Cyprus Problem. We would like to emphasise that the opinions outlined below result from widespread discussion and consultation within the Cypriot community in Britain over several months, from the time the Annan Plan was first proposed.

#### WHETHER THE UK SHOULD CONTINUE TO BACK THE ANNAN PLAN

In essence yes. However the plan is not acceptable as it stands. It is imperative that specific key changes are negotiated and agreed by the Greek and Turkish Cypriot communities that make the plan viable. These include implementing one united economy and not two separate banks as proposed in the Annan plan. The right of all, and not just some, refugees to return to their homes. The reduction of the number of settlers remaining on the island to those either born or married there. The return of all Turkish troops and the right of Greek Cypriots to own property in Northern Cyprus, something denied by the Annan plan. The aim of these modifications would be to safeguard human rights for all Cypriots according to the UN Resolutions on Cyprus and the key European Communitaire principles.

#### THE IMPLICATIONS FOR THE EU OF THE ADMISSION OF A DIVIDED COUNTRY

It is clearly not acceptable to maintain a situation where an EU members state ie Cyprus is divided. It is in the interest of Britain as a guarantor of the independence of Cyprus and indeed of the entire EU community to ensure that one member state: Cyprus is not occupied by a potential future member state: Turkey.

#### WHAT ROLE THE UK SHOULD PLAY IN THE CONTINUING PROCESS OF NEGOTIATIONS BETWEEN THE TWO COMMUNITIES ON THE ISLAND

The UK is uniquely placed as a leading member of the EU and as a nation who has been closely linked with the history and people of Cyprus to restart negotiations between the two communities on the island. It must ensure that such negotiations are based on justice, democracy and international law with the aim of achieving one federal state with one international identity.

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IMPLICATIONS OF THE REJECTION OF THE ANNAN PLAN FOR THE NORTHERN PART OF THE ISLAND

Many members of both communities, in particular in the UK have worked hard to maintain good relations for 30 years. It is deeply regrettable that the injustices contained in the Annan plan have adversely affected these relations. We are determined to put this right and to seek a settlement acceptable to Greek and Turkish Cypriots. The rejection of the plan by the Greek Cypriots was not a rejection of a solution, it was a rejection of a plan that was regarded as unjust and non-viable.

WHETHER/HOW THE BRITISH GOVERNMENT SHOULD SEEK TO ALTER ITS RELATIONSHIP WITH THE NORTHERN PART OF THE ISLAND

The British government should try to overcome in collaboration with the Cyprus government and the EU the isolation of the Turkish Cypriots in the North. The British government should not forge that this isolation is the direct result of the Turkish invasion and is not due to the actions of the Greek Cypriot community. All steps taken should not reinforce the status-quo but should provide aid where appropriate.

IMPLICATION FOR THE EU'S RELATIONSHIP WITH TURKEY

We are mindful that the EU stands for freedom and democracy of all peoples. This rule should also apply for the people of Turkey. The record of Turkey on human rights for its own people remains deplorable. Turkey, an aggressor country, that has occupied part of Cyprus for the last 30 years should not be permitted to begin negotiations for membership to the EU. A pre-requisite for the consideration of Turkey as a future EU member must be their cessation of the occupation of Cyprus and the application of all the principles that the EU stands for in its own country.

*Chris Stylianou*  
Cypriot Community Centre

14 September 2004

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**Written evidence submitted by Professor Clement Dodd,  
School of Oriental and African Studies, University of London**

I must apologise that, having been away, and also unwell, I had not noticed that the Foreign Affairs Committee has decided to examine UK policy towards Cyprus. If my comments could be added to those of others, even at this late hour, I should be most grateful. I shall concentrate on each of the Committee's queries, as follows.

1. There would seem to be little profit in persisting with the Annan Plan. Although it was supported by 65% of the North's voters, it is clear, as the UN Secretary-General has admitted, that it was largely a vote for EU membership. It was opposed by the right-of-centre nationalist National Unity Party mainly on the grounds that (a) it exposed the North to economic domination by the Greek Cypriots, (b) it allowed Greek Cypriot control of the proposed Federal Government, and that (c) one-third of the population of the much smaller Turkish Cypriot state could become Greek Cypriot, and the new small Turkish Cypriot state would have too dense a population.

In the South the more moderate elements represented by Clerides and Vassiliou, well aware of the advantages that would accrue to the South, supported the Plan. But Papadopoulos, and his surprisingly large number of supporters, were not prepared to compromise on their essential position, which is that they are legally the Government of Cyprus and within that Government the Turkish Cypriots must be a minority. They are at present trying to bring the Turkish Cypriots under their umbrella, even threatening that they could veto Turkey's EU accession negotiations if Turkey did not comply with certain conditions that would help further this process. The Turkish Foreign Minister, Abdullah Gul, has described this process as "meltdown".

This is, of course, one solution to the Cyprus problem, but subject to strong nationalist opposition in the North, with support from nationalist elements in Turkey, it could lead to instability, and even violence. There have been calls in the North for a fight to the death.

In the light of Greek Cypriot attitudes represented by their "no" vote, their subsequent hardline policies, and the recuperation of the National Unity Party in the North, the Turkish Cypriots could hardly be expected to vote again for the Annan Plan. For the South to do so would require a complete change of government, which does not seem to be in the offing.

2. It seems now to be generally realised that the admission of Cyprus to the EU as a divided island was bound to create problems. Immediately, it relieved the Greek Cypriots of any need to make concessions. For the EU, Eastern Enlargement was more important than settling the Cyprus issue.

The problem essentially is that Cyprus claims legal sovereignty over the whole island. This came about fortuitously in March 1964 when the UN Security Council, anxious to introduce a UN Force, treated with the rump Greek Cypriot Government that was left after the Turkish Cypriot participants had fled their posts. Unfortunately the UN Security Council did not specify that it was dealing with the government as constitutionally established in 1960, despite verbal assurance given to Turkey that this was the case. Consequently, the UN, and national governments, began to treat the Greek Cypriot Government as if it were the Government of Cyprus, thus establishing its "legality". Even after the Turkish Cypriot members of the House of Representatives were told they could not return unless they voted for legislation that would have effectively turned them into a minority, the Greek Cypriot Government continued to be recognised. In brief, the Greek Cypriot Government has no legitimacy for its claim to have sovereignty over the Turkish Cypriots. This is the basis of the Turkish Cypriot claim to independence on legal grounds. If the lawyers could find some way to review the legal situation with more respect for reality, thus according some status to the TRNC, it would be a significant move forward towards bringing about a settlement. It is really only by chance that the Greek Cypriots have been recognised as having authority to establish the Government of Cyprus.

3. If Britain is to play a role it would seem first to be necessary to accept that the TRNC deserves some degree of recognition. The Report of the UN Secretary General calling on no state to recognise the TRNC was not appropriate. The Greek Cypriots know that the dice are now heavily loaded in their favour. Whether Britain could take the lead in following a course of action completely repugnant to the Greek Cypriots is very doubtful, however. They are always inclined to bring up sensitivity of the bases and listening posts to interference. Of course, any trouble would deter British tourists (two-thirds of the total), and this would seriously affect the Cypriot tourist industry, but the British Government no doubt has to feel responsible for the (reported) 20,000 British residents in the South. The initiative for some degree of recognition of the TRNC would perhaps have to come from elsewhere.

4. The rejection of the Annan Plan has meant that the TRNC still cannot use its ports and airport freely and thus develop the economy. If efforts in the EU on their behalf are successful in these issues, they will be able to stand up very much better against Greek Cypriot pressures. They could become quite independent on the proceeds of their tourist industry.

Interestingly, the proposed property settlement in the Annan Plan has been taken as a marker by number of entrepreneurs to buy up and develop former Greek Cypriot land. This is making quite a large impact on the economy, but is having some unforeseen social consequences. The building boom will probably not now last very long.

5. Yes, the British Government should seek to alter its, and the international community's, relationship with the North. As argued above, it must be made clear to the Greek Cypriots that they have to get into negotiation with the Turkish Cypriots on the basis that they constitute two independent entities. Their attempts to use their EU leverage to absorb the Turkish Cypriots should be resisted. This argues a confederal type of solution, though with such a solution, the Turkish Cypriots would surely have to give up the large tracts of territory which, under the Annan Plan, were to be returned to the Greek Cypriots. There would also have to be some sort of amicable property settlement. In the course of time, with developing confidence, the two states would probably enter into a more federal relationship.

6. International recognition of the existence of the TRNC would remove the difficulties between Turkey and the EU with regard to the Cyprus problem. Cyprus would drop out of the equation. Turkey could recognise both the TRNC and the Republic of Cyprus.

Essentially this is to propose a two-state solution to the problem. The other way it could be brought about would be by the recognition of the TRNC (now to be known as the Turkish Cypriot State) by Islamic and Arab states. Of this the Greek Cypriots are very afraid: it would be recognition of the Turkish Cypriot State within its present borders. The chances of their being able to recover territory to which they clearly have a right could become very slim. It is not a development that would open up the TRNC to Europe, but it could start a process of creeping recognition. Not being very religious, most Turkish Cypriots would not necessarily welcome this Islamic and Arab recognition for what it might bring with it, but it would be preferable to isolation or absorption by the Greek Cypriots. Nor might Arab and Islamic intrusion into Cyprus be acceptable to the West for strategic reasons.

Finally, since it is now difficult to see an alternative to a two-state solution, it is interesting that a little while ago, a poll of under 28 year olds in the South revealed significant support for such a solution.

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21 September 2004

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**Further written evidence submitted by Professor Clement Dodd**

**CYPRUS UPDATE: TURKEY'S EU ACCESSION NEGOTIATIONS AND CYPRUS**

The referenda on the UN Plan on the 24 April 2004 resulted in its rejection by the South. Subsequently, little of note immediately occurred on the island, though it became easier for goods to cross the Green Line, and all EU citizens could cross from one side to the other regardless of which port, or airport, they had used. More Turkish Cypriots, and Turks, began to work in the South, in the building and other industries, but there was also a large demand for labour in the North, where the building boom really got under way, mainly supplying holiday, or permanent, homes for foreigners, chiefly British, often built on former Greek Cypriot land. The property regime in the UN Plan, should it be revived, would not prevent this development, while the demise of the Plan seemed to promise even greater freedom in the use of former Greek Cypriot property. With this capital inflow, with EU grants for public works, with an increase in numbers of foreign tourists, and with the money earned in the South, the Turkish Cypriots began to look and feel richer.

In politics the popularity of the Prime Minister, Mehmet Ali Talat, and his coalition government with the small Democratic Party under Serdar Denktash the President's son, was maintained for a while. Having said "yes" in the referendum the Turkish Cypriots found that, for the first time, they were popular in the world. It helped Talat that the EU Council of Ministers made a statement (on 26 April 2004) that envisaged opening up trade directly with the North. This reflected the view that the Turkish Cypriots should no longer suffer under embargoes. The EU also proposed a grant of 259 Million euros for the North and began to seek ways, still continuing, to put into effect its desire to free trade, including tourism, through the Turkish Cypriot ports and airport. In a visit to Cyprus in October, the British Minister for Europe, Mr Denis MacShane, said, "We are committed to ending the isolation of the Turkish Cypriots, to reducing the economic gap between the two communities . . . We believe this to be a key element of keeping alive the prospect of reunification".

That Talat's government now no longer insisted on recognition for the TRNC was welcomed by the international community, but criticised by the Turkish Cypriot political opposition as the greatest of errors. That, in the face of Greek Cypriot opposition, nothing has as yet been achieved to free commerce has affected Talat's popularity, though his now increasingly expressed disillusion with the Greek Cypriots is to some degree helping him to sustain support. A pre-election poll in late December 2004 showed that 31% of the public would vote for Talat's party, with only 15% for Eroglu's National Unity Party, but 15% were undecided.

On 20 October 2004 defections from the coalition parties finally forced the government to resign. Neither Talat, nor Eroglu, was able to form a new coalition. New parliamentary elections are forecast for February 2005. There will be a new presidential election in April 2005, in which President Denktash has stated he will not be a candidate.

In the South a good deal of attention was paid by the Government to justifying its rejection of the referendum, This was accompanied by determination to explore all legal means through the EU to prevent the opening up of Turkish Cypriot ports and the airport. In addition, the Greek Cypriot Government claimed the right to participate in the disbursement of the EU funds to be made available to the North. There were also accusations in the South that US aid had been used to influence Greek Cypriots to approve of the UN Plan. This, and a warning to the Greek Cypriots by the previous American Cyprus envoy, Thomas Weston, not to veto, on 17 December, Turkey's application for EU accession negotiations has soured relations with the United States,

The Greek Cypriot President, Tassos Papadopoulos, declared that his government would only make its decision about a veto at the last minute. In connection with the rejection of the UN Plan he demanded, *inter alia*, that Turkish troops should immediately withdraw from Cyprus. Much more seriously, the Greek Cypriot Government began to insist that Turkey had to recognise it as the "Government of the Republic of Cyprus". This highlighted a major problem for Ankara. In many quarters in the EU it is maintained that Turkey cannot hope to become a member of the EU if it does not sometime recognise the Greek Cypriot Government as the rightful Government of the Republic of Cyprus. Turkey has already recognised the state established as the "Republic of Cyprus": it did so in 1960, when the international treaties were signed that established the new republic. The Greek Cypriot Government cannot legitimately claim to be the government of the Republic of Cyprus as established if only because its government does not include Turkish Cypriots, as required in the 1960 Constitution.

Greek Cypriot insistence on the *sine qua non* of the recognition of their government by Turkey has roused the Turkish Cypriots to a realisation of the dangers they face. Talat recently declared that the Greek Cypriots want Turkey to agree "that the north of Cyprus is, in fact, a local administration of Turkey". More important, on 2 December 2004, the Turkish Cypriot parties in parliament unanimously agreed as follows: "The TRNC parliament believes that it is vital to underline that it is not the Greek Cypriot controlled Republic of Cyprus (which exists in defiance of the 1960 partnership agreement) that is to be recognised, but a new joint polity in which the Turkish Cypriot people takes its place as a political equal."

This significant show of unity by all the political parties was matched by the declaration by the Turkish Foreign Minister, Abdullah Gul, that there would be no recognition before a solution. This was followed by a statement by the Prime Minister, Tayyip Erdogan that the EU could not now use new pressure with

regard to Cyprus. He said that there was no question of Turkey taking new moves on this issue before 17 December. President Denktashh declared himself very satisfied with this stance. This rejection of further pressure was followed by an important meeting of Turkish and Turkish Cypriot leaders in Ankara on 3 December. Authoritative sources reported that there was agreement that, for Turkey and the TRNC, recognition of the "Government of Cyprus" had to form part of a solution arrived at in the context of the good offices" mission of the UN Secretary-General.

After a lecture in Turkey at this time by President Denktashh on the Cyprus issue to an audience containing members of all political parties, the prolonged standing ovation he received spoke volumes for the depth of Turkish support for the Turkish Cypriots. The Government has to take note.

#### *The House of Commons Foreign Affairs Committee*

These momentous developments coincided with an investigation into the Cyprus issue by the House of Commons Foreign Affairs Committee under the chairmanship of the Rt Hon. Donald Anderson.<sup>105</sup> The Committee's Report is planned to appear in early 2005, so there will be some time for evaluation of the position after the 17 December decision on Turkey's accession negotiations. The examination of witnesses and the Committee's visit to Cyprus occurred, however, before the European Council's decision.

A thoroughgoing analysis of the Committee's work must, of course, await its Report, but it is interesting to note the trend of the Committee's deliberations from the questions put to witnesses. To date, a major concern has been whether the UN (Annan Plan) could be revived, in particular whether the Greek Cypriots could be brought on board. Greek Cypriot objections to the Plan therefore were given some prominence, notably on the scheme of demilitarisation, the place in Cyprus of the Turkish immigrants (the so-called "settlers"), and the fear that Turkey would in the end not really allow the UN Plan to be implemented. Referendum exit polls in the South showed three-quarters of those voting "no" did so for security reasons, this apparently indicating that they were afraid Turkey would not implement the troop reductions in the Plan, and that the maintenance of the 1960 system of guarantees, with the right, under certain circumstances, of intervention, would allow Turkey to intervene again.<sup>106</sup>

Another important topic in questions posed to witnesses was the issue of opening up international, particularly EU, trade for the Turkish Cypriots, with considerable emphasis on the need for the direct air flights that would be the real boost for the Turkish Cypriot tourist industry. Greek Cypriot legal and other objections were explored. There was also a certain amount of discussion of recent history, the unwisdom, for instance, of allowing the "Republic of Cyprus" into the EU before a settlement. By their questions the Committee members showed that they were well apprised of the situation. Six witnesses were examined, but the absence of a well-informed Turkish Cypriot witness was noted with dismay by members of Britain's large Turkish Cypriot community who attended the hearings.<sup>107</sup>

In this brief article only a few major, or striking, points made by the witnesses can be mentioned. In this regard it was interesting that Dr Savvides believed that the Greek Cypriot could be brought back to the Plan. It would have been useful to have had a Turkish Cypriot view on whether in another vote the Turkish Cypriots would still be in favour now that the Greek Cypriots have revealed, as some would say, their true colours. Lord Hannay was critical of both Denktash and Papadopoulos. In particular, he claimed that President Denktash was responsible for Turkish Cypriot rejection of the UN Plan in late 2002 at Copenhagen, and again in The Hague in March 2003, though, it has to be said, on both occasions the Greek Cypriots could confidently hide behind the anticipated Turkish Cypriot rejection. However, more important, are the reasons for the Turkish Cypriot rejection of the Plan. Lord Hannay's ad hominem approach is inadequate for an understanding of the situation. In his Report (1 April 2003) on the failure of negotiations the UN Secretary-General came close to the realities of the situation when he wrote:

Mr Denktashh would not accept that the exercise was the writing of a new constitution for the existing, internationally recognized and continuing Republic of Cyprus, to transform it into a bi-cameral, bi-zonal federation, the Turkish Cypriot community essentially being reintegrated into that state. Mr Clerides would not accept that the exercise was the founding of a new state by two pre-existing sovereign states or entities, which devolved some of their sovereignty to that state, but otherwise retained sovereignty in their hands (Para. 66).

<sup>105</sup> The other members of the Committee were Mr David Chidgey, Mr Fabian Hamilton, Mr Eric Illsley, the Rt Hon Andrew Mackay, Mr Andrew Mackinlay, Mr John Maples, Mr Bill Olnor, Mr Greg Pope, the Rt Hon Sir John Stanley and Ms Gisela Stuart.

<sup>106</sup> Information taken from the "Friends of Cyprus Submission to the Foreign Affairs Committee Inquiry", September 2004, published in their Report, No.47, Autumn, 2004, p 8.

<sup>107</sup> The witnesses examined were Dr Philippos Savvides, a Greek Cypriot Research Fellow working in Athens, Mr Christopher Brewin, Senior Lecturer in the University of Keele, Lord Hannay of Chiswick, formerly British Special Representative for Cyprus, Mr Ozdem Sanberk, formerly Turkish Ambassador in London, the Rt Hon Denis MacShane, MP, Minister of State, Foreign and Commonwealth Office (accompanied by Mr Dominick Chilcott, Director for Europe, F&CO), and Mr Pierre Mirel, Director-General for Enlargement, European Commission. Mr Sanberk said that he was not an expert on Northern Cyprus.



The Minister for Europe, Denis MacShane, agreed with the Chairman that the referendums marked the best possibility of uniting the island since 1974. A major area of questioning was the possibility of opening up the Turkish Cypriot ports and airport to direct trade with the EU under EU rules. Mr MacShane noted that any member state, if it so chose, or any individual ship owner, could sail into any port in Cyprus, but what Britain was arguing for was “a new trade regulation that allows the normal governmental trading rules of the EU to be extended to the northern part of the island”. The problem was that as an EU member-state Cyprus could veto such a proposal, since unanimity was required. On the important issue of direct flights to Northern Cyprus, it was pointed out that under the terms of the Chicago Convention an airport had to be designated as “an airport suitable for receiving international flights by the government of the territory in which the airport is found”. On the disbursement of the 259 million euros promised by the EU to Northern Cyprus, the Cyprus Government was arguing that it had a particular interest, and right, in how the grant was to be disbursed, though the British Government believed it should be directly disbursed in the North. The assumption that nothing immediate could be done because of the threat of a Greek Cypriot veto prompted one member of the Committee to suggest that the Greek Cypriot veto was a “paper tiger”, and that the British Government needed to pursue a more robust attitude towards the Greek Cypriots. In response the Minister admitted astonishment “at the sound of my own diplomatic weaselly voice”, but preferred not “to go down the rip-roaring road of upping the ante”. One road down which the Minister did not intend to go was recognition of the Turkish Republic of Northern Cyprus.

Why, one needs ask, this constant British position on non-recognition, a position stressed also by the UN Secretary-General in his, yet to be presented, report on the failure of the UN Plan? The usual reply is that partition was not allowed by the 1960 treaties, but then, as mentioned above, neither was the rule of the Greek Cypriots as the Republic of Cyprus without the participation of the Turkish Cypriots in accordance with the internationally guaranteed 1960 Constitution. In 1964 the British Government, in an aide memoire to the UN Secretary-General, made this point:

“H.M.G.’s view is that until such time as the Constitution of Cyprus and the Agreements are amended through negotiation and with the consent of all parties, the government of the Republic of Cyprus, the Guarantor powers and the United Nations as a whole have no alternative but to conduct their activities in accordance with the Constitution and with the Agreements”<sup>108</sup>

The Permanent Representative of Turkey wrote to the UN Security Council underlining this point on 21 December 2000. The real reasons for the “recognition” of the Greek Cypriot Government as the Government of Cyprus are political, not legal. Britain did not persist in defending the Constitution that formed part of the 1960 Treaties because the security of the British bases, at a time of danger in the Middle East, was a more serious concern than the status of the Turkish Cypriots. Also, a great deal of pro-Greek Cypriot pressure was brought to bear on the UN by the non-aligned states, and by the Soviet Union and its satellites. In this way the Greek Cypriot Government came gradually to be treated as the Government of the Republic of Cyprus. The EU followed suit, thus creating the present difficulty for Turkey over recognition of the Greek Cypriot Government’s clearly illegitimate claim to sovereignty over the Turkish Cypriots.

On 17 December 2004 Turkey was given a date (3 October 2005) for the beginning of EU accession negotiations. There was no Greek Cypriot veto, and no Turkish recognition of the Greek Cypriot “Government of Cyprus”. Turkey agreed to sign only a modified protocol extending its customs union with the EU to the new member states, including Cyprus. There will be pressure to have the situation clarified by 3 October. The Greek Cypriots will undoubtedly seek to extract more concessions from the Turkish Cypriots in any attempt that is made to obtain a settlement by reviving the UN Plan.

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#### Written evidence submitted by Constantis A Candounas

I have read in the Cyprus press that the Foreign Affairs Committee of the House of Commons will look into the Cyprus problem and to that effect it would welcome any reports and evidence from Cyprus that could be of assistance. Should this be the case, I set out below my own views and experiences on this issue.

I have always tried to follow developments on the Cyprus issue closely, and have done so particularly since the arrival of the De Soto team in Cyprus. Since then and throughout this period I was able to maintain close contact with a member of that team, who had extensive responsibility for the drafting of the successive versions of the Annan plan. I have supported the efforts of the De Soto team from the beginning up until the very end at the time of the referenda.

In order for someone to understand what has happened in Cyprus during the last two years, it is I believe imperative that one should also examine closely the various polls/gallops carried out in Cyprus from the time of Annan plan I, until the carrying out of the actual referenda (on the basis of Annan plan V). One will then have the chance to observe that

<sup>108</sup> Aide Memoire from the UK Mission to the United Nations, New York, 4 March 1964.

- the majority of the Greek Cypriots were ready to accept Annan plan I, and as time went by this readiness diminished to reach a disappointing 26% on 24 April 2004 at the actual referendum itself (actually the day that details about Annan plan IV were disclosed by the media, support for the plan within the Greek Cypriot Community reached an all time low, an impressive 0%). It is interesting to note that this decline in the willingness of the Greek Cypriots to accept the plan was steady, and it diminished with the progress of the talks.
- the majority of the Turkish Cypriots were not willing to accept Annan plan I. Even as late as December 2003, when elections were actually held among the Turkish Cypriot community, the outcome was a split down the middle between the forces supporting the plan as it then stood and those who opposed it. It was a 50-50 split and Mr Talat in the end had to co-operate with Mr Serdar Denktashh.

It is also interesting to note that the Greek Cypriots were already convinced to vote “NO” much before the President’s address to the people in early April. To suggest that Greek Cypriots voted “No” because of the President’s urging them to do so, is either a rather simplistic approach to the matter, and would involve a refusal to deal with the real issues involved, including the UN’s handling of the whole affair.

Greek Cypriots eventually did not support the plan because of the following reasons:

1. the impact that the behaviour of Mr Rauf Denktashh throughout the negotiations, but especially in February and March 2004, had on them;
2. the plan itself, especially changes effected in the provisions relating to property and security matters, as well as the behaviour of the De Soto team in Cyprus and the UN in general; and
3. events during the 10 day period prior to the referenda.

1. *the impact the behaviour of Mr R Denktashh throughout the negotiations, but especially in February and March 2004, had on the Greek Cypriots;*

Since the beginning of the talks in Nicosia on February 19th, 2004, and contrary to a public statements embargo imposed by the UN on the two sides, the Turkish Cypriot leader made daily public statements. I set out here below a few, randomly chosen:

- on February 25th Mr Denktashh complained to Mr Papadopoulos about comments the latter had made in the press inviting Turkish Cypriots to take part in European Parliamentary elections;
- as was also reported on Thursday, February 26, 2004, by Jean Christou in the Cyprus Mail, Mr Denktashh had said that he wanted a new Cyprus application to the European Union or a postponement of its accession so the EU and all its members could re-ratify the Treaty for the new state.
- as was also reported on Wednesday, March 17, 2004 in the Cyprus Mail, Mr Denktashh made an issue out of the fact that the red stripe representing the Turkish component of the new state had been placed at the bottom of the proposed new Cyprus flag that had been approved the previous week by one of the technical committees involved in the negotiations. Mr Denktashh said the flag was “not the flag of Turkish Cypriot people”. He said the “Turkish red colour is at the bottom while Greek blue colour is above it”.

Mr Denktashh also claimed that

- the Turkish Lira should be adopted as the new currency so as not to negatively affect the standard of living of the Turkish Cypriots,
- the Turkish army should remain in Cyprus permanently and indefinitely, and
- that no settler should be made to leave Cyprus.

It is clear that these statements had no other possible purpose than to alienate Greek Cypriots and induce them to reject the plan. I repeatedly expressed my concerns about this to the member of the UN team I maintained contact with, who brushed my fears aside, also adding that “no one is taking these statements seriously and Mr Denktashh knows it. In the negotiations he is a completely different man he is very constructive. He has never put forward these demands during the negotiations”. To my question “why then do you think he is making these daily statements on television?” I received no answer. But the question still remains, why did Mr Denktashh come out with these daily statements? Did he believe that it was likely that Mr Papadopoulos would accept to go through with a new application for Cyprus to join the EU, or accept the Turkish Lira as the new Cyprus currency? Or is it conceivable that he expected that these publicly made demands would somehow find their way to a new modified version of the plan?

The answer I believe is clearly a negative one. Perhaps it should be recalled here that the plan provided for a one year transitional co-presidency between Mr Denktashh and Mr Papadopoulos in a transitional period after the republic of Cyprus had ceased to exist. When Mr Denktashh was making these statements he was addressing neither his people, nor the other negotiators nor the International Community. He was addressing the Greek Cypriots. Mr Denktashh’s statements revealed an attitude that would inevitably result in an unworkable situation and a total collapse of any new state of affairs that may have resulted from the negotiations and referenda, if he were to be a co-president, whoever the other co-president might be.

And this was where the tides begun to turn. It was at this point that public opinion within the Greek Cypriot community begun to turn.

2. *the plan itself, especially changes effected on the provisions relating to property and security matters, as well as the behaviour of the De-Soto team in Cyprus and the UN in general*

In trying to understand the “No” vote of the Greek Cypriots it is also important to try and understand what Greek Cypriots expect from a solution. Legitimising the north or “bringing the Turkish Cypriots out of isolation is not the Greek Cypriots” top priority. Among other things and of course including creating peaceful conditions, Greek Cypriots look forward to;

- (i) the return of some land under Greek Cypriot administration,
- (ii) having their properties returned,
- (iii) the right to settle freely and safely anywhere in their country, just like anywhere else in Europe and of course last but not least
- (iv) a solution with which they can feel safe.

As I mentioned above, it is reflected in the early gallops at the time of Annan plan I, that Greek Cypriots were ready to accept the proposed plan as it then stood. There was no one who could claim that it was an ideal or even fair plan, at any stretch of the imagination, it was however something that Greek Cypriots believed at the time that they could live with. As time went by, the changes effected were perceived to be so one sided and unfair that they rendered the plan in the feelings and understanding of most Greek Cypriots as totally unfair and undoubtedly unworkable.

### 2.1 The properties issue

Much as it is difficult for Greek Cypriots to accept the fact that a Turkish Cypriot, a settler or even a complete foreigner will have priority rights over their own properties, they were ready to accept Annan plan I which more or less provided that, (leaving aside land that would be exchanged with land in the south, and also land that has been improved and would thus not be returned but compensated) their land would either be returned to some extent (to reach a total of a 10% maximum) or the owner would also have the option to lease it at current value to a Turkish Cypriot for a period of 20 years and then, at the end of the 20 years, would have it back. Though the 20 years period was perceived as a very long one, it gave people a prospect; at the end of this period their properties would be reinstated.

Annan plan V took this prospect away. Turkish Cypriots, settlers and foreigners would still have priority claims over Greek Cypriots’ properties provided these were either improved or could be exchanged with land in the south. As far as the rest of the land was concerned theoretically people would be allowed to have a third of that reinstated.

- (a) People who only had a house would get their house back provided,
  - they had built the house themselves. What if they had bought the house, or what if the house had been built by their parents? The answer was no. Or
  - they had lived in the house for at least 10 years. So anyone born after 1964 would not qualify. Given the economic growth in Cyprus from Independence in 1960 until 1974, one can hardly find many people that did not move to a better house between 1964 and 1974.

So in reality very few, if any, would qualify to get their houses back.

#### (b) Land

Agricultural land would be reinstated provided that the one third entitlement would amount to at least five donums, which means that the original property must have been at least 15 donums. This immediately disqualified most people as most agricultural holdings in Cyprus were small ones with many if not most holdings nowhere near the 15 donums requirement. The same applied to irrigated land, though the one third entitlement here was two donums.

In effect the new provisions took away any and all prospects from most people of regaining their land.

### 2.2 The right to settle freely and safely in the Turkish component state.

This, after security, was perhaps the factor that determined most what Greek Cypriots eventually voted for. Going home. Everybody wants to go home. But the idea is to go home under conditions of safety and be in a position to enjoy basic human rights.

Greek Cypriots did not have to look far to see what life would be like living in the Turkish component state. There are Greek Cypriots who now live in the north, forgotten by God and everyone else, people who have been living there since before 1974. It is an accepted fact that things have changed. We should not look into the past to see what the future may be like. There is the present time, there is today.

These people, the enclaved Greek Cypriots, living in the occupied area, are not allowed to build a house on their own land. They are not allowed to build an extension even. Should one of their children get married they all have to live together. They are not allowed to start a business, they are not allowed to open a restaurant or develop their land outside their village. This is a right only reserved for the settlers. They do not cultivate their land as one day they would go to their fields and there would be nothing there. And there is no-one to complain to.

After all these years the secondary school will start operating again. It has just been announced that a quarter of the books were not approved by the authorities in the north. Including books on music and art .

This is what is happening today, not what happened many years back. It is what is happening today.

A few months ago an attempt was made to take a theatre production to Rizokarpaso village for the benefit of the enclaved Greek Cypriot people living there. A permit was finally granted and just before the actual performance the people were told that they could not watch it. Only their children could. And it was just a theatre production of Pinocchio.

When the gates were opened and people were allowed to cross to the north

- a young man was arrested in possession of “antiquities”. He was put in prison for three days. It was finally proved that the items were not antiquities;
- a young man went fishing. He was arrested and put away for two days;
- a young boy had a car accident. He was put away and was not released until after the full amount to repair the Turkish Cypriot’s car was fully paid. No trial, no investigation, no one will ever really know how blame should have been attributed.

These are all incidents of the present. Not of many years back. And the obvious question is why should any one of us expect to be treated any differently should we decide to return home? This is what is happening today. They are not recollections from a distant past that should be well forgotten. It is what many Greek Cypriots, again rightly or wrongly is inconsequential here, believe they would have had to face if Annan plan V was actually implemented.

### 2.3 The behaviour of the De-Soto team in Cyprus and the UN in general

Just before the referenda Mr Didier Pfirter, a member of the De-Soto team, gave an interview and said that should the outcome of the referendum in one of the communities not be a positive one, then it would be repeated in a few months. As a result, and even though it was later denied by the UN that this would happen, many people who would have reluctantly voted “Yes” in the end voted “No” in the belief that they could make their decision later, probably with an improved plan.

At the time when Greek Cypriots believed that at least some of the settlers would have to go, the same Mr Pfirter was reported to have told an audience in Istanbul that no settler would be forced to leave the island.

But what actually played a vital role in determining the final outcome was the fact that the UN, even though it had invited the two sides to come to the February—March negotiations with constructive proposals that

- on the one hand would be within the spirit of the plan, and
- on the other were of a kind that could be acceptable to the other side,

accepted on the negotiating table Mr Denktashh’s proposals, all of which changed the balance of the Plan in substantial ways, and could certainly not be expected to be acceptable to the Greek-Cypriot community.

The fact that the UN allowed this to happen, together with the fact that no comment was ever made by the UN (in an effort to discourage Mr Denktashh from making his daily inflammatory public statements), left Greek Cypriots with a feeling of uncertainty, insecurity but most of all mistrust.

Halfway through the talks, I was asked by the member of the De Soto team I maintained contact with, whether I could help him arrange a meeting with the president of the Democratic Rally, Mr Nikos Anastasiades. I was told that the De-Soto team was frustrated and in despair with Mr Papadopoulos’s destructive techniques and general attitude displayed at the negotiations and he wanted to report this to Mr Anastasiades. At the time I felt as if one student was reporting another’s mischief to their headmaster, so I responded by saying ‘What nonsense, if this is the case why don’t you make a public statement to expose him. Why doesn’t De-Soto show him his teeth. The people will not have this.’ The response I received was the following: “De-Soto is afraid of him, he is like a rabbit in front of a snake. Denktashh he can handle. Papadopoulos he cannot.” Of course if that was the case then the UN had obviously sent the wrong people here. I have no personal access to Mr Anastasiades but through a friend the meeting was arranged. I have no knowledge of what was said at this meeting other than what I have stated above.

Just before flying off to Burgenshtok Mr De-Soto stated on television that in summary he could say that the Turkish Cypriots wanted increased bizonality while the Greek Cypriots were predominantly concerned with issues of functionality. This sounded very weird but again my UN contact assured us that the one would not be traded in for the other. In the end this is exactly what happened. Greek Cypriots felt betrayed and abandoned. Somehow they found no consolation for the losses suffered on property and safety issues, from the fact that the number of the members of the Presidential Council was increased from six to nine. Nor from the fact that the co-presidency period was decreased from a year to a month.

### 2.4 The safety factor

With the original plan people felt that it was an established fact that Turkish troops have no place in Cyprus. Yes there would be a transitional phasing out period, but the fact remained that it was an established fact that eventually they would have to go. Upon Turkey’s accession to the European Union the last troops would have to leave the island.

Annan plan V provided for a 19 year phasing out period, a period considered by practically every single Greek Cypriot as excessive, and then provided for the permanent presence of a force of 650 men. They would only go if and when this was agreed so by both communities. Rightly or wrongly, in the eyes of Greek Cypriots this was legitimising the presence of the invading forces.

To my question why such a clause, that would obviously provoke the negative reaction of Greek Cypriots, was included, I got the reply that it was to satisfy a psychological need, the fears of the Turkish Cypriots. The UN team must have felt at the time that Greek Cypriots had no fears relating to the presence of the Turkish army.

Much later, in his report to the Security Council, Mr Annan made a point that the Security Council must address the issue of security of Greek Cypriots. The De-Soto team was in Cyprus for years.

Why had this issue not been addressed in the plan itself?

*3. events during the 10 day period prior to the referenda.*

The Referenda were carried out on April 24th. Whatever chances, admittedly very remote, of Greek Cypriots voting 'Yes' were dispersed by events of the 10 days prior to the referenda. The streets in the north of Cyprus were inundated with 'Grey Wolves' from Turkey as well as north Cyprus. Key junctions like the roundabout at the entrance of Kyrenia were taken over, cars were intercepted and damaged, drivers and passengers were attacked, peoples' homes were broken into and people were sent to the hospital. At the same time planes of the Turkish air-force were daily violating Greek airspace. This was what Greek Cypriots were watching on their TV screens day in day out, for days up until the referenda. To have expected that under these conditions your average Greek Cypriot would have voted 'Yes' at the referendum only suggests that one is not really in touch with reality on the island.

What about our fears? Are we not allowed to be afraid?

There are not many Greek Cypriot refugees, that even today do not feel tears in their eyes and butterflies in their stomach at the thought of some village or a humble house somewhere in the north. To suggest that Greek Cypriots have made too much money to want a solution is an insult that commands no response. But for us, just like with the Turkish Cypriots, I am sure, this is a matter of survival. Most of the Greek Cypriots that voted 'No', did so because they felt this was the only way to survive.

On Tuesday, 13 August 1974, early evening, my family, which then consisted of my sister, my two parents and myself, got in my mother's car, and drove away. Not for a moment did we believe that never again would we return home; that we would not return to Famagusta. At the time I was eight.

I have spent the next thirty refugee years of my life in the south of Cyprus. I am a practicing lawyer, occasionally I write and I live in Nicosia, the capital of Cyprus. I am now thirty-eight.

For as long as I can remember I wanted to return to the areas occupied by Turkey in the north of Cyprus and of course my home town of Famagusta. As from April 23, 2003, Greek Cypriots are allowed to cross the dividing line into the occupied north of the island, always subject to their producing their passports at the checkpoint. Mine must have been the second or third car that crossed into what had hitherto been our neverland. And suddenly, quite unexpectedly, I was, at the age of 37, driving my own car, in the occupied areas of my country, to the place I had been forced to abandon 29 years earlier. I was driving home. I needed no map, I stopped to make no inquiry. And it felt then that I was driving the road that led to peace and reunification.

Time has since passed. I am not at all sure how close we are now to a solution. The impressions of that first day have to some extent been changed. I have since made it my life's purpose to meet and get to know my fellow countrymen. To know them and to understand them. Events vaguely known by all of us, little, if at all, understood by most, with the exception perhaps of the ones that experienced them. I have opened my house and my life in a way I hitherto considered impossible. It is a painful journey. A deep dive in peoples' emotions, longings, expectations, disappointments, fear and lack of trust, the lost wasted years, personal ambitions, the endless missed opportunities, the unbearable grief, the hope for a place in the world and of course Europe.

We want a solution. We all want to go home.

It is interesting to read an article of a leading Turkish Cypriot journalist, Mr Sener Levent, published just before the Referenda in Politis newspaper on Thursday, 1 April 2004. I set out here below only a short passage that I believe is highly topical.

“. . . Why should I rejoice, since it is obvious from now, that this plan is sure to be rejected, that has been prepared and presented to us with the sole purpose not to be disagreeable to Ankara and Denktashh? What is the use of a single 'Yes' other than the prolongation for many more years of the status quo? Was it perhaps their true aim to force the Greek Cypriots to say 'No' after which to let Turkey be, and put the dying TRNC on a life support machine? Is it really possible for Greek Cypriots to say 'Yes' to this plan? Would Greek Cypriots accept to have the road to the European Courts closed, to keep a Turkish army on the island for ever and for all those that were brought to the island from abroad to become citizens of the state? These things are not accepted by many Turkish Cypriots even .'

This is how Greek Cypriots came to vote for 'No'. I personally voted for 'Yes'. A few days before the referenda my UN contact came to my office. I expressed the view that after saying 'No' Mr Papadopoulos would have to run after the UN to get things rolling again, only to be told that 'he can run until his feet are bleeding, we are not coming back'. So with all this in mind I made my free choice of saying 'Yes' to the plan.

*And the question is, what now?*

It appears that the International Community wants to reward the Turkish Cypriots for saying 'Yes' to the plan. It also appears that this reward will take the form of "bringing the Turkish Cypriots out of isolation".

There is no doubt that many Turkish Cypriots, perhaps the majority, want a solution. Some want to reunify with Greek Cypriots, others want to enjoy the E.U. benefits others want to end their isolation and dependency on Turkey. The 76% however is misleading. I have spoken to a great number of Turkish Cypriots, 'No' people, that weeks before the referenda switched to 'Yes'. 'You will vote 'No', we will vote 'Yes' and then they will have to recognize us'; from Soukroun Atamen, their representative to what would have been the new Central Bank, to men in the streets. The issue now is whether the International Community will continue to help in seeking a solution. I have no doubt in my mind that should Mr Talat get what he is asking for now, it will be the end of the Cyprus question. For good. Turkish Cypriots will no longer have an incentive to work or vote even for a solution.

But even if our new partners in Europe do decide to proceed with these measures, they should also consider whether they should give them away for free. Both sides should be encouraged or even pushed to work towards a solution.

Nothing has changed in Cyprus:

- the Turkish army is still there;
- we are only allowed to visit our homes, but only from a distance and can only go in if the current user, be it a settler or a foreigner, will allow it;
- Famagusta, a ghost city, held hostage and even though it is there empty and uninhabited its' citizens are not allowed to go back, a gesture that could show the other side's good faith and can provide an arena for real cooperation between Greek Cypriots and Turkish Cypriots;
- the enclaved people are deprived this very day of basic human rights, at the same time when Mr Talat wants to open a window for his own people to the world;
- the north is a safe haven for all sorts of fugitives from justice in the U.K. and else where;
- Mr Talat wants trade, but only one sided; we are allowed to buy but we are not allowed to sell.

Is this the message that Europe wants to give to the Turks and the Turkish Cypriots? That things come for free? That because Greek Cypriots have said 'No' to the Annan plan they can now legitimately keep it all?

During the summer a bi-communal event took place in Morphou in the occupied north. Both ex presidents of the Republic, Mr Clerides and Mr Vassiliou attempted to cross via the check point at Ledra Palace. There, waiting for them, was Mr Erk, mayor of north Nicosia, perhaps the most popular and prominent politician in the north after Mr Talat himself. They were refused entry by the Turkish army and the Turkish Cypriot politicians could do nothing about it.

A few weeks later Mr Talat invited another Greek Cypriot politician and he went to the checkpoint personally to make sure he would be allowed to pass. He was. The policeman in charge however is now undergoing an investigation within the army. The fact that he was ordered to let the guest cross by no other than Mr Talat himself was no defense.

Back in May it was announced by Mr Talat that European Citizens, including Greek Cypriots, would be allowed to cross by showing only their I.D. cards. The Turkish army did not share the same opinion. When I tried to cross I was turned back. This was sorted out only a few days later after a big fuss was made on the island.

The point I am trying to make here is that much as we are ready to become partners with the Turkish Cypriots, we are not ready to become partners either with Turkey or the Turkish army. And the fact remains that the Turkish army is all powerful in the north; and Turkish Cypriots, even today are completely and helplessly at its mercy.

The Annan plan, as it stands today, and its provisions about the presence of the Turkish army in Cyprus after a solution is reached, cannot inspire Greek Cypriots any confidence that any new state of affairs will have any chance to survive. The events of the last few months have only enhanced this conviction.

Thanking you in advance for taking the time to read this, please note that I remain at your disposal for providing any clarification that may be required or giving oral evidence even, in person, should this be considered at all necessary.

*Constantis A Candounas*  
Advocate

26 September 2004

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**Written evidence submitted by Michael Stephen<sup>109</sup>**

**WHY IS CYPRUS DIVIDED?**

It is necessary to know what happened in Cyprus between the foundation of the Republic in 1960 and the Turkish intervention in 1974, not for historical interest but in order to determine whether the political status of the Greek Cypriot Administration today, and its acceptance by the world is justified. If the Turkish Cypriots had simply withdrawn from the institutions of the Republic in 1964 with no reasonable excuse, and if the Turkish army had invaded in 1974 without any legal right or humanitarian justification, then perhaps the world would be right to treat the Greek Cypriot Administration as if it were the Government of Cyprus. The truth of the matter is however very different.

This is an important question, because the ability of the Greek Cypriot Administration to enforce an embargo on Turkish Cypriot trade, sport, and communications derives from their acceptance by other countries and institutions as if they were the lawful government of all Cyprus.

The former British Prime Minister, Sir Alec Douglas-Home said in his memoirs<sup>110</sup> he had been convinced that if the Greek Cypriots could not treat the Turkish Cypriots as human beings they were inviting the invasion and partition of the island.

The American Under-Secretary of State, George Ball, said in his own memoirs<sup>111</sup>, that the central interest of the Greek Cypriot leader, Makarios, “was to block off Turkish intervention so that he and his Greek Cypriots could go on happily massacring Turkish Cypriots. Obviously we would never permit that.” The fact is however that neither the US, the UK, the UN, nor anyone, other than Turkey ever took effective action to prevent it.

The most remarkable feature of the Cyprus question is the extent to which the Greek Cypriots have been able to repudiate solemn international agreements<sup>112</sup> and violate the human rights of the Turkish Cypriots on a massive scale and yet by a quite astonishing feat of public relations, have secured for themselves acceptance as the government of all Cyprus and have persuaded the world that they, and not the Turkish Cypriots, are the injured party. The consequence of this is that they have been able to extract one-sided resolutions from the United Nations and other international organisations, and have been able to secure court judgments which have been immensely damaging to the Turkish Cypriots and have placed the Turkish Cypriots under a crippling embargo on their international trade and communications.

For more than 40 years the Turkish Cypriots and their government have been faced with one of the hardest tasks in the whole range of international affairs—how to get the world to change its mind after it has got hold of the wrong end of the stick and clung to it year after year.

The Greek Cypriots claim that the Cyprus problem was caused by the landing of Turkish troops in 1974 and that if only they would withdraw, the problem would be solved. This is a serious misconception, for the landing of Turkish troops was the consequence, not the cause, of the problem. Moreover, there were in fact two military actions in 1974; the first was by Greece and the Greek Cypriots, which caused the second by Turkey.

In the view of Greek Cypriot journalist, Aleccos Constantinides<sup>113</sup> the Greek Cypriot political parties DIKO and EDEK “are acting as if the Cyprus problem began and ended in 1974. They refrain from talking about the previous coups. The first coup was not in 1974, but only a few years after we had attained our independence (in 1960). Had it not been for the first coup there would not have been the 1974 coup.”

Another Greek Cypriot journalist, Stavros Angelides, wrote in *Fileleftheros* on 16 September 1990 “With the passage of time we the Greek Cypriots forget, or wilfully disregard, the events which led to the present situation in Cyprus. We forget our faults and we ask all the more emphatically everybody else to deliver to us justice as we understand it. We talk in generalities and in vague terms about UN Resolutions, and actually mean those which favour us. The others, such as Resolution 649 are not fair—we do not want them—let them go to hell.”

The independence negotiations in Zurich and London were long and difficult, but in 1960 it was agreed by way of compromise between all five participants; Britain, Greece, Turkey, the Turkish Cypriots, and the Greek Cypriots; that the new Republic of Cyprus would be a bi-communal Republic with a single territory but a unique Constitution which embodied an agreed political partnership between Greek and Turkish Cypriots, and which prohibited the political or economic union of Cyprus with any other State.

The bi-communal structure was fundamental to the 1960 accords, on the basis of which the Republic of Cyprus achieved independence, and recognition as a sovereign state from the international community. Accordingly, from its very inception the Republic of Cyprus was never a unitary state in which there is only one electorate with a majority and minority. The two peoples of Cyprus were political equals and each

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<sup>110</sup> “The Way The Wind Blows” Collins 1976, p.242.

<sup>111</sup> “The Past has Another Pattern” Norton 1982 at p.345.

<sup>112</sup> Zurich and London Agreements on Cyprus 1960; European Convention on Human Rights & Fundamental Freedoms.

<sup>113</sup> Alithia 14.12.85.

existed as a political entity, just as both large and small states exist within the structure of the European Union. They did not however have the same constitutional rights because the agreements took into account the fact that there were more Greek Cypriots than Turkish Cypriots.

UN Secretary-General Annan acknowledged in his plan for a Cyprus settlement<sup>114</sup> that “the relationship between the Turkish Cypriots and the Greek Cypriots is not one of majority and minority but of political equality where neither side may claim authority or jurisdiction over the other.”

The Turkish Cypriot people, knowing that they could not enforce the agreement themselves, would never have agreed to join the 1960 Republic if the Greek Cypriots had not also accepted a Treaty of Guarantee which gave Turkey a legal right to intervene, with troops if necessary. The parties to the Treaty were the United Kingdom, Turkey, Greece, and the Republic of Cyprus itself. The Turkish Cypriots had seen what happened to the Turkish people of Crete under Greek hegemony, and knew that there would be no future for them in Cyprus without a Turkish military guarantee.

Independence was formally granted on 16 August 1960.

At the conclusion of the negotiations the Greek Cypriot leader, Archbishop Makarios, said “Sending cordial good wishes to all the Greeks and Turks of Cyprus, I greet with joy the Agreement reached and proclaim with confidence that this day will be the beginning of a new period of progress and prosperity for our country”. However, it soon became clear that the Greek Cypriots did not intend to abide by the Constitution, and that their entry into that solemn legal obligation with the Turkish Cypriots in 1960 had been a deception. On 28 July 1960 President Makarios said “the agreements do not form the goal—they are the present and not the future. The Greek Cypriot people will continue their national cause and shape their future in accordance with THEIR will.

In a speech on 4 September 1962, at Panayia, Makarios said “Until this Turkish community forming part of the Turkish race which has been the terrible enemy of Hellenism is expelled, the duty of the heroes of EOKA<sup>115</sup> can never be considered as terminated.” It would be difficult to imagine a more vindictive, racist, policy than this. It is also a Greek expansionist policy—the very charge which the Greek Cypriots laid against Turkey when Turkey intervened twelve years later to put an end to it.

George Ball<sup>116</sup> quotes Adlai Stevenson as saying that Makarios, was “a wicked, unreliable conniver, who concealed his venality under the sanctimonious vestments of a religious leader” and comments that “In the years I had known Adlai I had never heard him speak of anyone with such vitriol.”

Article 173 of the Cyprus Constitution provided for separate municipalities for Turkish Cypriots in the five main towns. The Greek Cypriots refused to obey this mandatory provision and in order to encourage them to do so the Turkish Cypriots said they would not vote for some of the Government’s taxation proposals. The Greek Cypriots remained intransigent, so the Turkish Cypriots took the matter to the Supreme Constitutional Court of Cyprus. The court comprised one Greek Cypriot judge, one Turkish Cypriot judge, and a neutral President.

In February 1963 Archbishop Makarios declared on behalf of the Greek Cypriots that if the Court ruled against them they would ignore it.<sup>117</sup> On 25 April 1963 the Court did rule against them<sup>118</sup> and they did ignore it. The President of the Court (a German citizen) resigned and the rule of law in Cyprus collapsed.

In November 1963 the Greek Cypriots went further, and demanded the abolition of eight of the basic articles which had been included in the 1960 Agreement for the protection of the Turkish Cypriots. The aim was to reduce the Turkish Cypriot people to the status of a mere minority, wholly subject to the control of the Greek Cypriots, pending their ultimate expulsion from the island. The Greek Cypriots had prepared a written plan for this purpose, called the Akritas Plan.

Glafcos Clerides, later the Greek Cypriot President, wrote his memoirs, entitled “Cyprus—My Deposition” in four volumes, published by Alithia publishing company, Nicosia, 1989–91. In these memoirs he admits that there was no need for constitutional amendments. According to him, “Makarios, at the head of the bi-communal state of Cyprus, had decided to proceed, stage by stage, to the unilateral abrogation of the rights granted to the Turkish community by the Zurich and London Agreements and to reduce its political status to a minority, using prematurely, the excuse of the unworkability of certain provisions of the constitution.”

He goes on to say that “An honest evaluation of the situation during the period 1960–63, divorced from propaganda would lead to the conclusion that there was no need to press for constitutional amendments”. Nevertheless according to Clerides, Makarios “refused to accept practical solutions falling short of constitutional amendments”

<sup>114</sup> 31st March 2004—Main Article iii.

<sup>115</sup> The Greek Cypriot terrorist organisation.

<sup>116</sup> page 340.

<sup>117</sup> Cyprus Mail 12.2.63.

<sup>118</sup> Turkish Communal Chamber v Council of Ministers 5 CLR (1963) 59, 77, 78.



Clerides admits that “the delicate period of 1960–63, when both communities were questioning the sincerity of the other over their real commitment to independence, was not the proper time to request constitutional amendments on the grounds that the constitution was unworkable, when in fact unworkability could not be established”.

Greek Cypriots claim that constitutional amendments were inevitable because the Turkish Cypriots abused their veto power, but according to Clerides: “The veto powers were not used either by the President or the Vice President on any law or decision of the House of Representatives . . .

Furthermore, he says “there was no difficulty in promulgating the decisions of the Council of Ministers and the laws of the House of Representatives.”

Clerides continued: “If the Turkish Cypriots resist “unilateral amendments of the Constitution” where their rights would be abrogated, the forces of the Minister of Interior will use force to “put down the uprising”. Lt General George Karayiannis (the mainland Greek Army Officer then in command of the Cyprus Army) told *Ethnikos Kiryx*, an Athens Daily, on 13 June 1965 that “President Makarios decided (a) to proceed to organise the Greek Cypriots for battle and arm them, and (b) to proceed with the revision of the Constitution, including the cancellation of the [Turkish Cypriot] Vice-President’s Veto.”

“When the Turkish Cypriots objected to the amendment of the constitution Makarios put his plan into effect, and the Greek Cypriot attack began in December 1963”—(Lt Gen Karayiannis)<sup>119</sup> The General is referring to the “Akritas” plan, which was the blueprint for the annihilation of the Turkish Cypriots and the annexation of the island to Greece.

At Christmas 1963 the Greek Cypriot militia attacked Turkish Cypriot communities across the island, and very many men, women, and children were killed. 270 of their mosques, shrines and other places of worship were desecrated.

On 28 December 1963 the *Daily Express* carried the following report from Cyprus: “We went tonight into the sealed-off Turkish Cypriot Quarter of Nicosia in which 200 to 300 people had been slaughtered in the last five days. We were the first Western reporters there and we have seen sights too frightful to be described in print. Horror so extreme that the people seemed stunned beyond tears.”

On 31 December 1963 *The Guardian* reported: “It is nonsense to claim, as the Greek Cypriots do, that all casualties were caused by fighting between armed men of both sides. On Christmas Eve many Turkish Cypriot people were brutally attacked and murdered in their suburban homes, including the wife and children of a doctor—allegedly by a group of forty men, many in army boots and greatcoats.” Although the Turkish Cypriots fought back as best they could, and killed some militia, there were no massacres of Greek Cypriot civilians.

On 1 January 1964 the *Daily Herald* reported: “When I came across the Turkish Cypriot homes they were an appalling sight. Apart from the walls they just did not exist. I doubt if a napalm attack could have created more devastation. Under roofs which had caved in I found a twisted mass of bed springs, children’s cots, and grey ashes of what had once been tables, chairs and wardrobes. In the neighbouring village of Ayios Vassilios I counted 16 wrecked and burned out homes. They were all Turkish Cypriot. In neither village did I find a scrap of damage to any Greek Cypriot house.”

On 2 January 1964 the *Daily Telegraph* wrote “The Greek Cypriot community should not assume that the British military presence can or should secure them against Turkish intervention if they persecute the Turkish Cypriots. We must not be a shelter for double-crossers.” Britain did not however make any serious attempt to stop the Greek Cypriots.

On 12 January 1964 the British High Commission in Nicosia wrote to London<sup>120</sup> “The Greek (Cypriot) police are led by extremists who provoked the fighting and deliberately engaged in atrocities. They have recruited into their ranks as “special constables” gun-happy young thugs. They threaten to try and punish any Turkish Cypriot police who wish to return to the Cyprus Government. . . . Makarios assured us there will be no attack. His assurance is as worthless as previous assurances have proved.”

The British Government noted<sup>121</sup> that George Ball “thought that Makarios’ aim was to get the Cyprus problem into the UN orbit where the slogan of self-determination, supported by the communist bloc and the neutralists, could exert pressure towards the establishment of an independent unitary state, where he could do what he liked with the Turkish Cypriots.”

On 14 January 1964 the *Daily Telegraph* reported that the Turkish Cypriot inhabitants of Ayios Vassilios had been massacred on 26 December 1963, and reported their exhumation from a mass grave in the presence of the Red Cross. A further massacre of Turkish Cypriots, at Limassol, was reported by *The Observer* on 16 February 1964, and there were many more. On 17 February 1964 the *Washington Post* reported that “Greek Cypriot fanatics appear bent on a policy of genocide.” The Greek Cypriot Minister of the Interior admitted<sup>122</sup> that he had controlled the attack in Limassol himself.

<sup>119</sup> “*Ethnikos Kiryx*” 15.6.65.

<sup>120</sup> Telegram no. 162/1964

<sup>121</sup> FO doc. 1057 of 15.2.1964

<sup>122</sup> *The Guardian* 26th February 1964.

British troops in Cyprus at the time did what they could to protect the Turkish Cypriots, and their efforts are remembered to this day, but the scale and ferocity of the Greek Cypriot attacks, and lack of political will in London, made their task impossible. On 6 February 1964 a British patrol found armed Greek Cypriot police attacking the Turkish Cypriots of Ayios Sozomenos, but they were unable to stop the attack.

On 13 February 1964 the Greeks and Greek Cypriots attacked the Turkish Cypriot quarter of Limassol with tanks, killing 16 and injuring 35. On 15 February 1964 *The Daily Telegraph* reported: "It is a real military operation which the Greek Cypriots launched against the six thousand inhabitants of the Turkish Cypriot Quarter yesterday morning. A spokesman for the Greek Cypriot Government has recognised this officially. It is hard to conceive how Greek and Turkish Cypriots may seriously contemplate working together after all that has happened."

On 10 September 1964 the UN Secretary-General reported (UN doc. S/5950):

"UNFICYP carried out a detailed survey of all damage to properties throughout the island during the disturbances, . . . . . it shows that in 109 villages, most of them Turkish-Cypriot or mixed villages, 527 houses have been destroyed while 2,000 others have suffered damage from looting. In Ktima 38 houses and shops have been destroyed totally and 122 partially. In the Orphomita suburb of Nicosia, 50 houses have been totally destroyed while a further 240 have been partially destroyed there and in adjacent suburbs."

The UK House of Commons Select Committee on Foreign Affairs reviewed the Cyprus question in 1987<sup>123</sup> and reported unanimously that, "Although the Cyprus Government now claims to have been seeking to "operate the 1960 Constitution modified to the extent dictated by the necessities of the situation" this claim ignores the fact that both before and after the events of December 1963 the Makarios Government continued to advocate the cause of ENOSIS [annexation to Greece] and actively pursued the amendment of the Constitution and the related treaties to facilitate this ultimate objective".

The Committee continued: "Moreover in June 1967 the Greek Cypriot legislature unanimously passed a resolution in favour of ENOSIS, in blatant contravention of the 1960 Treaties and Constitution."<sup>124</sup>

Professor Ernst Forsthoff, the neutral President of the Supreme Constitutional Court of Cyprus until 1963 told *Die Welt* on 27 December 1963 "Makarios bears on his shoulders the sole responsibility of the recent tragic events. His aim is to deprive the Turkish community of their rights." In an interview with UPI press agency on 30 December 1963 he said: "All this happened because Makarios wanted to remove all constitutional rights from the Turkish Cypriots."

George Ball also recalls<sup>125</sup> that during his visit to Cyprus in the Spring of 1964, Sir Cyril Pickard, the British Under-secretary of State for Commonwealth Relations, "denounced the Archbishop in devastating language for the outrages inflicted on the Turkish Cypriots." Ball himself told the Greek Cypriot leader that "if he persisted in his cruel and reckless conduct Turkey would inevitably invade, and neither the US nor any other western power would raise a finger to stop them."

He further recalls<sup>126</sup> that "a massacre took place in Limassol on the south coast in which as I recall about 50 Turkish Cypriots were killed, in some cases by bulldozers crushing their flimsy homes. I said to Makarios sharply that such beastly actions had to stop." Fine words—but nothing was done. On his visit to Athens at that time George Ball records<sup>127</sup> that "Greek Prime Minister [George] Papandreou contended that the "turbulence" over Cyprus resulted only from Turkey's invasion threats. I told him that although I had heard all that before it simply was not true."

The United Nations not only failed to condemn the usurpation of the legal order in Cyprus by force, but actually rewarded it by treating the by then wholly Greek Cypriot administration as if it were the Government of Cyprus. This acceptance has continued to the present day, and reflects no credit upon the United Nations, nor upon Britain, the US and the other countries, including now the EU, who have acquiesced in it.

Despite the arrival of UN troops in Cyprus in March 1964 the Greek Cypriots had continued their attacks on Turkish Cypriot civilians. In June 1964 the position of the Turkish Cypriots became so serious that public opinion in Turkey felt that they could no longer stand by. They therefore warned that they would intervene under Article 4 of the Treaty of Guarantee.<sup>128</sup>

On 7 August 1964 the Greek Cypriots attacked Turkish Cypriot villages, provoking the Turkish government to send four warplanes to attack the Greek Cypriot village of Polis. On 8 August thirty Turkish jets flew low over Greek Cypriot towns on the north coast, and on 9 August, sixty-four Turkish planes flew low over north-west Cyprus.

<sup>123</sup> H.C. no. 23 of 1986-87. 2nd July 1987.

<sup>124</sup> Art. 1 of the Treaty of Guarantee declares prohibited any action likely to promote directly or indirectly union with any other state or partition of the island, and Art. 185(2) of the Constitution is to similar effect.

<sup>125</sup> *op. cit.* p.345.

<sup>126</sup> *ibid.*

<sup>127</sup> *op. cit.* p.353.

<sup>128</sup> "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 representations 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."

On 12 August the US Ambassador to Greece was instructed to urge the Greek government to stop the attacks on Turkish Cypriots, and Khrushchev told the Greek Cypriots that they could expect no support from the Soviet Union.<sup>129</sup> Finally the Greek Cypriots desisted, but had it not been for these warning flights there would have been few Turkish Cypriots left alive. They were saved by the Turkish Air Force, not by the UN.

Turkey did not land troops, because they were threatened by a letter from US President Johnson on 5 June 1964 that if Turkey were invaded by the Soviets America would not comply with its NATO obligation to defend them. This was an arrogant, illegal, and empty threat, for America's responsibility under the North Atlantic Treaty was clear, and there is no possibility that America's own strategic interests could permit a Soviet takeover of Turkey or the Dardanelles. The threat was nevertheless enough to postpone Turkish intervention for another ten years.

The Turkish Cypriots were forced to withdraw into defended enclaves, and it was therefore in January 1964, not in 1974, that Cyprus was divided. On 14 January 1964 "Il Giorno" of Italy reported: "Right now we are witnessing the exodus of Turkish Cypriots from the villages. Thousands of people abandoning homes, land, herds. Greek Cypriot terrorism is relentless. This time the rhetoric of the Hellenes and the statues of Plato do not cover up their barbaric and ferocious behaviour." The Turkish Cypriots had to establish an elected authority to govern themselves whilst confined in their enclaves.

Britain and the US have, in their own interests, encouraged the world to treat the Greek Cypriots alone as the government of all Cyprus, despite Britain's own acknowledgement<sup>130</sup> that "Cyprus Government" could mean only a government which acts with the concurrence of its Turkish Cypriot and Greek Cypriot members. There has been no concurrence since 1963, and there is no "doctrine of necessity" which allows one partner to assault and terrorise the other and then claim the right to run the State alone. The Greek Cypriots have been asking the Turkish Cypriots to go back since 1967, but on terms which abrogate their basic rights and which they could not possibly accept. The Greek Cypriots have no incentive to settle so long as they continue to be treated as the "Government of Cyprus," and enabled to keep the Turkish Cypriots for so long as they please under an embargo<sup>131</sup> against their trade and communications without any authority under Chapter VII of the UN Charter

When in 1983 the Turkish Cypriots declared their own Republic, Britain and the US, acted against them at the UN. They promoted Security Council Resolutions 541 and 550, which purported to declare the Declaration of Independence "legally invalid," and called upon states not to recognise the Turkish Republic of Northern Cyprus. However, the Security Council failed to examine the legal basis for that proposition. It has never been specified whether the constitutional law of Cyprus or international law is said to be the basis of such "illegality." It has never been explained how the 1960 constitution, having been repudiated and expressly abrogated by the Greek Cypriots as long ago as 1963, could still be binding upon the Turkish Cypriots in 1983.

Although the UK Government deals with the Greek Cypriot Administration as if they were the lawful Government of Cyprus, it does not formally recognise them as such. On 25 April 1980 the Secretary of State for Foreign & Commonwealth Affairs made the following statement in the House of Lords<sup>132</sup>: "We have conducted a re-examination of British policy and practice concerning the recognition of Governments. This has included a comparison with the practice of our partners and allies. On the basis of this review we have decided that we shall no longer accord recognition to Governments. The British Government recognises States in accordance with common international doctrine."

On 30 July 1980 the Minister of State reiterated<sup>133</sup> that "the British Government recognises States, not Governments" and this was affirmed again on 12th November 1987.<sup>134</sup> The United States takes the same position. Accordingly, if the British and US Governments recognise States not Governments, neither the Greek Cypriot nor the Turkish Cypriot administration is recognised by them as the Government of Cyprus.

Security Council Resolutions 541 and 550 seek to discourage the recognition of more than one State in Cyprus, but they do not purport to confer recognition upon the Greek Cypriot Administration as the government of that State.

On 12 August 1964 the UK Representative to the UN wrote to his government as follows:

"What is our policy and true feelings about the future of Cyprus and about Makarios? Judging from the English newspapers and many others, the feeling is very strong indeed against Makarios and his so-called government and nothing would please the British people more than to see him toppled and the Cyprus problem solved by the direct dealings between the Turks and the Greeks. Sometimes it seems that the obsession of some people with "the Commonwealth" blinds us to everything else and it would be high treason to take a more active line against Makarios and his

<sup>129</sup> George W. Ball "The Past has Another Pattern" Norton 1982 at p.357.

<sup>130</sup> FO telegram 1131 of 12th March 1964.

<sup>131</sup> See Haktanir "Under the Shadow of the Embargo" 2001 Center for Strategic Research.

<sup>132</sup> Hansard vol. 408 col. 1121. See also Hansard (Commons) vol. 983 WA cols. 277-9 25th April 1980.

<sup>133</sup> Hansard (Commons) vol. 989 WA col. 723. See also vol. 122 WA col. 240 (12th Nov. 1987).

<sup>134</sup> Hansard (Commons) vol. 122 WA col. 240.

henchmen. At other times the dominant feature seems to be concern lest active opposition against Makarios should lead to direct conflict with the [Greek] Cypriots and end up with our losing our military bases.”

After 1963 Turkish Cypriot MPs, judges, and other officials were intimidated or prevented by force from carrying out their duties. The UK House of Commons Select Committee said<sup>135</sup> “The effect of the crisis of December 1963 was to deliver control of the formal organs of Government into the hands of the Greek Cypriots alone. Claiming to be acting in accordance with “the doctrine of necessity” the Greek Cypriot members of the House of Representatives enacted a series of laws which provided for the operation of the organs of government without Turkish Cypriot participation.”

The Select Committee continued at para. 29 “Equally damaging from the Turkish Cypriot point of view was what they considered to be their effective exclusion from representation at, and participation in, the international fora where their case could have been deployed . . . . .” “An official Turkish Cypriot presence in the international political scene virtually disappeared overnight.” It is not therefore surprising that the world has been persuaded to the Greek Cypriot point of view.

More than 300 Turkish Cypriots are still missing without trace from these massacres of 1963–64. These dreadful events were not the responsibility of “the Greek Colonels” (who were not then in power) nor an unrepresentative handful of Greek Cypriot extremists. The persecution of the Turkish Cypriots was an act of policy on the part of the Greek Cypriot political and religious leadership, which has to this day made no serious attempt to bring the murderers to justice.

Instead they have denied the facts and claimed that there were just a few spodic killings for which both sides were equally to blame. As recently as September 2004 the Greek Cypriot Administration claimed that there had been no massacres at all of Turkish Cypriots. This was received with disbelief even by the Greek Cypriot *Cyprus Mail*. A Greek Cypriot journalist, Antonis Angastionotis, concerned that the truth had been kept from the Greek Cypriot people for so long, has made a documentary film entitled “The Voice of Blood” which shows the attempted genocide carried out against the Turkish Cypriots by Greek Cypriots in the villages of Murataga-Sandallar-Atlılar and Taskent in 1974. It is unlikely that this documentary will be shown on greek television.

The Greek Cypriot attitude is both sad and foolish. They will never convince the Turkish Cypriots that the massacres did not happen, and until they admit that they did happen, and seek forgiveness, the process of reconciliation cannot begin. There are good people in Southern Cyprus who would be willing to do that, but there are others in powerful positions there who will never admit the truth lest it should undermine the wholly unjustified political position which they have built for the Greek Cypriot Administration in the world.

The UK Commons Select Committee found<sup>136</sup> that, “There is little doubt that much of the violence which the Turkish Cypriots claim led to the total or partial destruction of 103 Turkish villages and the displacement of about a quarter of the total Turkish Cypriot population, was either directly inspired by, or certainly connived at, by the Greek Cypriot leadership”.

The UN Secretary-General reported to the Security Council<sup>137</sup> “When the disturbances broke out in December 1963 and continued during the first part of 1964 thousands of Turkish-Cypriots fled their homes, taking with them only what they could drive or carry, and sought refuge in safer villages and areas.” In September 1964 the Secretary-General reported to the Security Council<sup>138</sup> “In addition to losses incurred in agriculture and in industry during the first part of the year, the Turkish Cypriot community had lost other sources of its income including the salaries of over 4,000 persons who were employed by the Cyprus Government.” The trade of the Turkish Cypriot community had considerably declined during the period, and unemployment reached a very high level of approximately 25,000 breadwinners.

Turkish-Cypriots had become refugees in their own land. Expenditure of the Turkish Communal Chamber collapsed, as a yearly subsidy formerly received from the Government had ceased in 1964. A large part of its remaining resources had to be used for unemployment relief and other forms of compensation as approximately half the entire Turkish Cypriot population came to be on relief.

On 10 September 1964 the UN Secretary-General reported<sup>139</sup> “The economic restrictions being imposed against the Turkish Cypriot communities, which in some instances has been so severe as to amount to veritable siege, indicated that the Government of Cyprus seeks to force a potential solution by economic pressure.” This is still true today.

On 24 July 1965 the United Kingdom formally protested the unlawful action of the Greek Cypriots, but continued to deal with them as the Government of Cyprus, and took no effective action to stop them doing as they pleased. During the period 1963 to 1974 the freedom of movement of Turkish-Cypriots was severely

<sup>135</sup>H.C. no. 23 of 1986-87. 2nd July 1987, para. 28.

<sup>136</sup> *ibid* para. 27.

<sup>137</sup> UN doc. S/8286.

<sup>138</sup> UN doc. 5950.

<sup>139</sup> UN doc. S/5950.

<sup>140</sup> UN docs. S/5764, S/5950, S/7350.

<sup>141</sup> UN docs. S/5950, S/7001.

<sup>142</sup> UN docs. S/5950, S/7350.

restricted.<sup>140</sup> They were denied postal services,<sup>141</sup> Their access to building materials, electrical equipment, motor parts, fuel, chemicals and many other commodities was severely restricted,<sup>142</sup> and Turkish-Cypriot refugees had to live in tents and caves.

The UK Commons Select Committee<sup>143</sup> found that “When in July 1965 the Turkish Cypriot members of the House of Representatives had sought to resume their seats they were told that they could do so only if they accepted the legislative changes to the operation of the Constitution enacted in their absence” (ie. if they agreed to fundamental constitutional changes to the great disadvantage of their community, imposed upon them by force of arms). The Select Committee continued: “In February 1966 Makarios declared that the 1960 Agreements had been abrogated and buried.”

Greek Cypriot policy after 1963 was summarised as follows in Fileleftheros on 20 September 1992: “we the Greek Cypriots are in full control of the Government. All the Ministers are Greeks. Our government is the only one recognised internationally—why should we bring the [Turkish Cypriots] back in? The [Turkish Cypriots] today control only 3% of the land. They have no rich resources and they are living through difficult times from an economic point of view. They will ultimately have to accept our point of view—or go.”

The Greek Cypriots sometimes allege that it was they who were attacked, by the Turkish Cypriots, who were determined to wreck the 1960 agreements. However, the Turkish Cypriots were not only outnumbered by nearly four to one; they were also surrounded in their villages by armed Greek Cypriots. They had no heavy weapons, they had no way of protecting their women and children, and Turkey was 40 miles away across the sea. The very idea that in those circumstances the Turkish Cypriots were the aggressors, is absurd.

The distinguished philosopher, Michael Moran, of Sussex University, made the following diagnosis of Greek Cypriot attitudes<sup>144</sup>: “It was because they were under a kind of ideological spell, a collective mental condition similar to what Marxists used to call “false-consciousness” that the Greek Cypriots could embark upon their particular course of action in December 1963 with all the zeal and confidence they did. Brainwashed through at least a hundred years of school-teaching and sermonising into a set of beliefs pathologically at odds with any plausible account of historical and political realities; lacking contact with a counterbalancing tradition of rational criticism; for the most part incapable of ironic scepticism towards theological obfuscation—the Greek Cypriot leaders were effectively de-sensitised to the equally important rights of the Turkish Cypriots. In this way they were able to treat their Turkish compatriots with such consistent and irrational abuse, hardly noticing that this was in fact what they were doing.”

The Matron of the Nicosia Hospital, Nurse Trkan Aziz MBE recalled in her memoirs<sup>145</sup> how Greek Cypriot militia roamed the hospital wards killing the Turkish Cypriot patients.<sup>146</sup> Later she found the bodies of two Turkish Cypriot boys to whom she had given refuge in her own apartments at the hospital. “The two sat on chairs exactly where I had left them, but this time they did not rise to greet me with smiles. Dark blood welled through the tattered remnants of their shirts and dripped on the carpet. Their Greek Cypriot “guard” had vanished, spraying the staircase senselessly with bullets as he left”<sup>147</sup>

Matron Aziz describes the horror of Ayios Vasilios as follows:<sup>148</sup>

“a few feet down they found the first bodies, three men thrown on top of each other, then a boy whose hands had been tied behind his knees, then a little girl, then an old man dressed in his peasant-style baggy trousers, then some women. There were 21 bodies, almost all dressed, but not in hospital garb. These were Turkish Cypriot families who had lived in Ayios Vasilios.”

The relevance of “hospital garb” is that the Greek Cypriots “revealed a new depth of sickness of the mind by insisting the bodies were of patients in the hospital who had died of natural causes.<sup>149</sup> They had issued a press statement saying “Turks distort the truth.”

On 28 July 1965<sup>150</sup> the former British Minister, Duncan Sandys said in the House of Commons: “the flagrantly illegal action of the Cyprus government gives to Turkey an unquestionable right under the Treaty of Guarantee to intervene in order to restore the Constitution.”

The Greek Cypriots, still not confident that they could eliminate the Turkish Cypriots without help from Greece, began to augment their forces soon after the events of 1963. In his book “Democracy at Gunpoint” Andreas Papandreou recalls that in 1964 “A clandestine operation began on a huge scale; of nightly shipments of arms and “volunteers” who arrive in Cyprus in civilian clothes and then join their Greek Cypriot units.”

<sup>140</sup> UN docs. S/5764, S/5950, S/7350.

<sup>141</sup> UN docs. S/5950, S/7001.

<sup>142</sup> UN docs. S/5950, S/7350.

<sup>143</sup> H.C. no. 23 of 1986–87.

<sup>144</sup> “Sovereignty Divided”—1998 p.12.

<sup>145</sup> “The Death of Friendship” Charles Bravos Publishers, London, 2000. ISBN 0-9514464-3-6.

<sup>146</sup> Chapter 9.

<sup>147</sup> page 84.

<sup>148</sup> page 89.

<sup>149</sup> page 90.

<sup>150</sup> *Hansard* col. 466.

“Newsweek” had likewise reported on 27 July 1964 that: “Before dawn each day the great iron doors of the port of Limassol are slammed shut . . . UN troops are barred. A few hours later the doors swing open and covered lorries, weaving on overloaded springs, roar out of the port and head toward the Troodos mountains.”

Despite the withdrawal of Turkish Cypriots into defended enclaves, they were subjected to further massacres of civilians in 1967 when, on 27 March the Greeks and Greek Cypriots shelled the village of Mari for four hours. On 15 November 1967 2,000 armed men with artillery and armoured forces attacked the Turkish Cypriot quarter of Ayios Theodoros. At the same time the village of Getcikale (Kophinou) was attacked. During these attacks UN soldiers watched helpless as women children, and old men were killed—many burned alive in their own homes—and 50 houses were destroyed. Only further warning flights by the Turkish Air Force prevented more massacres at this time, and forced the withdrawal of some of the mainland Greek forces which had been illegally built up in Cyprus.

And what was the reaction of the international community?

They did not launch air attacks against the Greek Cypriots, as they later did against the Serbs—they did not complain about ethnic cleansing, or “attempts to change the demographic character of Cyprus.” They expressed no concern for Turkish Cypriot refugees and missing persons, nor for the homes, farms and businesses they had lost,—and they did not complain about the 20,000 Greek troops on the island. Instead they rewarded the Greek Cypriots by treating them as the Government of all Cyprus.

In 1971 General Grivas returned to Cyprus to form EOKA-B, which was committed to making Cyprus a wholly Greek island and annexing it to Greece. In a speech to the Greek Cypriot armed forces<sup>151</sup> Grivas said. “The Greek forces from Greece have come to Cyprus in order to impose the will of the Greeks of Cyprus upon the Turks. We want ENOSIS but the Turks are against it. We shall impose our will. We are strong and we shall do so.”

By 15 July 1974 a powerful force of mainland Greek troops had assembled in Cyprus and with their backing the Greek Cypriot National Guard overthrew Makarios and installed one Nicos Sampson as “President.” On 22nd July *Washington Star News* reported: “Bodies littered the streets and there were mass burials . . . People told by Makarios to lay down their guns were shot by the National Guard.”

Turkish Cypriots appealed to the Guarantor powers for help, but only Turkey was willing to make any effective response.” On 20 July 1974 Turkey intervened under Article IV of the Treaty of Guarantee”—(UK Foreign & Commonwealth Office doc. CPS/75, Jan, 1987). The Greek newspaper *Eleftherotipia* published an interview with Nicos Sampson on 26 February 1981 in which he said “Had Turkey not intervened I would not only have proclaimed ENOSIS—I would have annihilated the Turks of Cyprus.”

On 17 April 1991 US Ambassador Nelson Ledsky testified before the Senate Foreign Relations Committee that “Most of the “missing persons” disappeared in the first days of July 1974, before the Turkish intervention on the 20th. Many killed on the Greek side were killed by Greek Cypriots in fighting between supporters of Makarios and Sampson.” On 6th November 1974 TA NEA newspaper reported the erasure of dates from the graves of Greek Cypriots killed in the five days 15—20 July, in order to blame their deaths on the subsequent Turkish military action.

On 3 March 1996 the *Greek Cypriot Cyprus Mail* wrote: “[Greek] Cypriot governments have found it convenient to conceal the scale of atrocities during the 15th July coup in an attempt to downplay its contribution to the tragedy of the summer of 1974 and instead blame the Turkish invasion for all casualties. There can be no justification for any government that failed to investigate this sensitive humanitarian issue. The shocking admission by the Clerides government that there are people buried in Nicosia cemetery who are still included in the list of the “missing” is the last episode of a human drama which has been turned into a propaganda tool.”

Referring to the wife of a Greek Cypriot “missing person” whom he had interviewed, the Greek Cypriot journalist George Lanitis wrote<sup>152</sup> “The woman was used ruthlessly by the Cyprus propaganda machine to impress on world opinion the unquestionably tragic situation of the relatives of the missing persons. She was fooled. I was fooled and many other journalists were fooled and we fooled our readers. I apologise, but I acted like the rest of them, bona fide.”

In the village of Tokhni on 14 August 1974 all the Turkish Cypriot men between the ages of 13 and 74, except for eighteen who managed to escape, were taken away and shot. (*Times, Guardian*, 21 August)

In Zygi on the same day all the Turkish-Cypriot men aged between 19 and 38 were taken away and were never seen again. On the same day Greek-Cypriots opened fire in the Turkish-Cypriot neighbourhood of Paphos killing men, women, and children indiscriminately. On 23 July 1974 the *Washington Post* reported “In a Greek raid on a small Turkish village near Limassol 36 people out of a population of 200 were killed. The Greeks said that they had been given orders to kill the inhabitants of the Turkish villages before the Turkish forces arrived.”<sup>153</sup>

<sup>151</sup> “New Cyprus” May 1987.

<sup>152</sup> *Cyprus Weekly* 7 May 1998

<sup>153</sup> See also *The Times* and *The Guardian*, 23 July 1974.

“The Greeks began to shell the Turkish quarter on Saturday, refugees said. Kazan Dervis, a Turkish Cypriot girl aged 15, said she had been staying with her uncle. The [Greek Cypriot] National Guard came into the Turkish sector and shooting began. She saw her uncle and other relatives taken away as prisoners, and later heard her uncle had been shot.”<sup>154</sup>

On 28 July the *New York Times* reported that 14 Turkish-Cypriot men had been shot in Alaminos. On 24 July 1974 “*France Soir*” reported “The Greeks burned Turkish mosques and set fire to Turkish homes in the villages around Famagusta. Defenceless Turkish villagers who have no weapons live in an atmosphere of terror and they evacuate their homes and go and live in tents in the forests. The Greeks’ actions are a shame to humanity.”

On 22 July Turkish Prime Minister Ecevit called upon the UN to “stop the genocide of Turkish-Cypriots” and declared “Turkey has accepted a cease-fire, but will not allow Turkish-Cypriots to be massacred.”<sup>155</sup> The German newspaper *Die Zeit* wrote on 30 August 1974 “the massacre of Turkish Cypriots in Paphos and Famagusta is the proof of how justified the Turks were to undertake their intervention”.

According to the *Daily Telegraph*<sup>156</sup>: “Turkish Cypriots, who had suffered from physical attacks since 1963, called on the guarantor powers to prevent a Greek conquest of the island. When Britain did nothing Turkey invaded Cyprus and occupied its northern part. Turkish Cypriots have constitutional right on their side and understandably fear a renewal of persecution if the Turkish army withdraws”.

“Turkey intervened to protect the lives and property of the Turkish-Cypriots, and to its credit it has done just that. In the 12 years since, there have been no killings and no massacres” Lord Willis (Labour) House of Lords 17th December 1986.<sup>157</sup>

The 1976 UK House of Commons Select Committee on Cyprus found<sup>158</sup> that Turkey had proposed joint Anglo-Turkish action under the Treaty of Guarantee, and this was confirmed by Prime Minister Ecevit on 14th August 1974.<sup>159</sup> However the Labour Government in Britain refused to take any effective action, even though they had troops and aircraft in the Sovereign Bases in Cyprus. They argued that Britain was under no duty to take military action, but Article 2 of the Treaty provided that Britain would guarantee the state of affairs established by the basic articles of the 1960 Constitution, which it manifestly failed to do. The Select Committee concluded that “Britain had a legal right to intervene, she had a moral obligation to intervene. She did not intervene for reasons which the Government refuses to give.”

Some people argue that having defeated the Sampson coup, and Makarios having returned to the Presidential Palace, Turkey should have withdrawn and left the Turkish Cypriots again at the mercy of Makarios, the man who had been responsible for the earlier massacres. That proposition has only to be stated for its absurdity to be appreciated. It must be remembered that UN troops had been in Cyprus since March 1964 and had failed to protect the Turkish Cypriots. The Turkish Cypriots were later to see what happened to the Moslem people of Srebrenica under international protection.

Turkey could discharge its treaty obligation only by providing a safe haven for the Turkish Cypriots in which they could live in peace and freedom, and by encouraging them to reach a new political arrangement with the Greek Cypriots in which they could play their part as political equals in the government of the island. This Turkey has done, and has been praised by the UN, the US, and the EU for the role it has played in persuading the Turkish Cypriots to accept the Annan Plan in April 2004.

Even if the Treaty of Guarantee had not existed Turkey would have been wholly justified in intervening to protect the Turkish Cypriots from attempted genocide and remaining there for as long as their protection was needed, on the same legal basis as NATO intervened to protect ethnic Albanians in Kosovo from attempted genocide.

The United Nations, the Commonwealth, and the rest of the world have put political expediency before principle, and failed to condemn the appalling behaviour of the Greek Cypriots. Greek Cypriots are guilty of attempted genocide in violation of Articles 2(a), (b) and (c) and Articles 3(a), (b), (c), (d) and (e) of the 1948 Genocide Convention, but no action has ever been taken against them. Instead they have been rewarded by being treated as the Government of all Cyprus. The Turkish Cypriots by contrast were frozen out of the UN, the Commonwealth and almost every other international organisation, and were not even allowed to be heard when important decisions affecting their future were made.

This act of betrayal by the United Nations itself has enabled the Greek Cypriots for more than forty years to treat the Turkish Cypriots as a mere community, to take most of the international aid for themselves, to embargo Turkish Cypriot trade and communications with the outside world, to occupy the Cyprus chair in all international institutions, and to convince the world that they, and not the Turkish Cypriots are the injured party.

<sup>154</sup> *The Times* 23.7.74.

<sup>155</sup> *ibid.*

<sup>156</sup> 15.8.96.

<sup>157</sup> *Hansard*, col. 223.

<sup>158</sup> HC 331 1975/76 para. 22.

<sup>159</sup> *Daily Telegraph* 15 August 1974.

Even today, despite having voted to accept the Annan Plan in April 2004, the Turkish Cypriots are still frozen out of their rightful place in the world, and still suffer a wholly unjustified embargo on their trade and communications. What have the Turkish Cypriots done to deserve such treatment?

*Michael Stephen*

*30 September 2004*

### **Written evidence submitted by the National Federation of Cypriots in the United Kingdom**

#### **1 ABOUT THE FEDERATION**

The Federation of Greek Cypriots is an organisation representing almost all Greek Cypriot community associations in the UK, many of which are themselves “special purpose federations”. Whilst a Cypriot descent is common amongst these members, they are, with very few exceptions, British citizens with an inherent right to a voice in policy-making at a national level.

#### **2 THE INQUIRY**

The Federation welcomes the Select Committee’s Inquiry into UK policy towards Cyprus and appreciates the chance to formally contribute to the political debate around a subject so close to our hearts. In responding to the invitation to submit our views about HMG’s handling of the Cyprus issue we do so publicly.

The Federation would welcome an opportunity to give oral evidence to the Committee. As the sole organisation representing a collection of Cypriot views nationwide, we feel that we are in a unique position to give a balanced view of the British Cypriot.

In this response we endeavour to address the bulleted points issued in the press statement from the launch of the inquiry but would be happy to expand further on any parts either in oral evidence or by supporting written evidence as the Committee sees fit.

#### **3 THE ANNAN PLAN**

**HMG failure:** We consider UK policy towards Cyprus, before and during the recent referendum on the Annan Plan, to have proven ineffective. Furthermore, it is evident that the reason for such a fruitless approach stems from the fact that policy was actually aimed not at solving the problem but at wider geostrategic goals.

Essentially, the proposals put before the Greek and Turkish Cypriots failed to address their valid concerns. Consequently, Greek Cypriots studied the detailed plans and debated them both in Cyprus and in the UK but found that it failed to address the injustices and crimes committed by Turkey, leaving them with no other choice but to oppose it.

Regrettably, HMG failed to grasp and support the real concerns that led the Greek Cypriots rejection of the Plan, so the UK’s policy served neither the goal of reaching a settlement on the island nor the UK’s stated objectives of promoting peace.

**Support for UN:** The Federation has, since the invasion of 1974, been a strong supporter of the efforts of successive UN Secretaries General to reach a settlement to the Cyprus problem on the basis of the relevant Security Council resolutions and the High Level Agreements of 1977 and 1979, which called for the introduction in Cyprus of a bi-zonal, bi-communal federation.

**Rejecting Annan V:** We have long accepted that concessions were necessary if a settlement was to be achieved. However, we have two major concerns in principle to the proposals of April 2004:

- The proposal acquitted Turkey, granting absolution of all the unquestionable wrong doings of the last thirty years and of illegal military occupation following the invasion of the northern part of Cyprus, as condemned by numerous UN resolutions and successive British governments.
- It also failed to provide for a viable and functional bi-communal, bi-zonal Federation.

Beyond these key concerns lie yet more incongruities in terms of implementation.

- A serious and inequitable aspect of Annan V was that benefits to the Turkish side would be applicable and cashable immediately upon the agreement coming into force, but Turkey’s obligations concerning the implementation of the Plan were phased in, over an 18-year period.
- In addition, the Plan provided no safeguards—despite continual demands by the Greek Cypriots—to ensure that Turkey would actually honour its obligations.

Claims by many, including HMG, that Turkey would have to honour its obligations offered little assurance. Turkey’s history of violating prior agreements cannot possibly inspire confidence as a satisfactory guarantee to the Cypriots who have suffered an invasion and a 30-year occupation.



Unbalanced support by HMG: In light of the above, we are astonished that such a Plan has had the full backing and support of our Government here in the UK. There is a feeling of betrayal and disappointment that HMG insisted that any outcome of the referendum would be respected yet has seemingly promoted a policy since that poll which admonishes Greek Cypriots for rejecting the flawed Plan and rewards and praises the Turkish Cypriots for supporting it.

There is also widespread dismay within our membership that the party of Government should alter its policy on Cyprus after so many years of basing its views along lines of social justice and within the principles of existing International Law and the general will of the international community.

Federation support for Turkish Cypriots: Turkish Cypriots, having shown goodwill in reaching a settlement, should be encouraged and supported, however the reasons for the Greek Cypriot rejection of the Plan need to be respected within the context of the unacceptable proposals.

This purpose can be sewed without nullifying the existence of the Republic of Cyprus and can be promoted in a way consistent with UN Security Council Resolutions that safeguard the territorial integrity and sovereignty of a fellow European country, for whose independence the UK is a guarantor.

The government of the Republic of Cyprus itself recognises the acute need to assist the Turkish Cypriots to emerge from a desperate situation inflicted upon them by the 30 year Turkish occupation, and pays full regard to the need to maintain their good spirit towards finding a solution. To that end, the Government of the Republic of Cyprus has announced an extensive package of measures.

Fully conscious of the responsibility placed upon us, the Federation decided not to support the Plan, and to carry on the struggle with the hope of finding a better settlement that will both address our concerns and be consistent with International Law and European norms and regulations. We strongly believe that, 88 European Union citizens, all Cypriots deserve and have a right to a better future than that prescribed in the recent plans.

#### 4 CONSIDERATIONS REGARDING A DIVIDED COUNTRY WITHIN THE EU

##### *Security*

Annan V provided that foreign troops would remain at the levels of the 1960 Treaty of Alliances in Cyprus in perpetuity. Even though the Third version of the Plan provided that all troops would leave Cyprus in 21 years or when Turkey joined the European Union, whichever came first, at the last minute this was modified at Burgenstock on the instigation of Turkey. Such a provision contradicts principles central to the enduring approach of the international community and would represent a presence of military threat to all citizens of the island.

Furthermore Annan V did not clarify that the Treaty of Guarantee precludes a repeat of Turkish military intervention in Cyprus in violation of the Treaty. Indeed, Turkey interpreted this provision as a right to intervene militarily in Cyprus. Acceptance of the Annan Plan on this basis would have legitimised the presence of foreign troops on the territory of an EU country and sanctioned the fight to military intervention in a foreign country in violation of the UN Charter.

##### *Basic Human Rights*

Settlement: The Plan put to Cypriots in the referenda limited the ability of Greek Cypriots to live wherever they chose in Cyprus in direct and stark violation of the fundamental rights of establishment of the European Union.

Disenfranchised: Furthermore, those Greek Cypriots who would, under the Plan, decide to permanently resettle in the "Turkish Cypriot constituent state" would have been denied the right to participate in the federal elections for the election of their own state's representatives, ie they would have been effectively disenfranchised. Such disenfranchisement could not be endorsed by any administration that claims to promote and uphold even the most basic of democratic principles.

Ethnic separation: As well as violating basic political rights, the provisions also promote the permanent ethnic separation in a country member of the European Union, where separation on the basis of ethnicity is clearly abhorrent whether it occurs inside the EU or anywhere else in the world.

Property rights: In Annan V, provisions on property rights are complex and problematic. Only up to one third of the property of individual Greek Cypriots was to be reinstated and the right of individual recourse before the European Court of Human Rights denied, on questions relating to the loss or the use of their property. This contravenes the currently protected basic rights in both the European Union and the Council of Europe.

## 5 IMPLICATIONS FOR THE NORTHERN AREA OF CYPRUS

### *Land rights*

In relation to the repatriation of land, the Plan also provided that one third of compensation to legal owners should be guaranteed by the United Cyprus Republic, 90% of whose resources would be derived from Greek Cypriots. This implies that in practice the Greek Cypriots, and not Turkey, was the occupying power and would bear the burden of compensating themselves for the loss of their properties via illegal Turkish actions. There would exist a situation where the victim would be penalised and the culprit, would be in fact, rewarded.

### *Turkish Settlers*

International Conventions and International Law deems policies aimed at forcibly altering the demographic character of a country as an International crime; the UK subscribes to these basic laws. However, *Annan V* provides that 45,000 settlers that were illegally transferred by Turkey after 1974, in a systematic effort to alter the character of the Island, will automatically acquire the citizenship of the “United Cyprus Republic”. Furthermore, it gives the right to a significant number of settlers estimated at over 100,000 over and above the 45,000 to remain in Cyprus as permanent residents and after a short period to apply for Cypriot Citizenship.

One of the inexplicable paradoxes of the Plan was that it simultaneously failed to reinstate the rights of the legal inhabitants of the island whilst granting more rights to the illegal settlers.

## 6 THE FUTURE ROLE OF HMG

The Federation would like the British Government to be supportive to future efforts for reaching a European settlement for Cyprus, on the basis of the Annan Plan, and in accordance with UN Resolutions, especially 541(1983) and 550(1984). We urge HMG to pursue such a course in the context of one friendly EU partner assisting another and without promoting policies that would further enshrine the division of the island and destroy any possibility of ever reunifying it on the basis of a bi-zonal, bicomunal Federation.

We also urge HMG to not assist Turkey in its attempts to gain EU membership without regard to conformity with international levels of behaviour, to the detriment of a workable solution in Cyprus.

We further implore HMG not to establish any kind of direct trade with the Turkish occupied area because of the damaging and misleading signals it would send to Turkey and the Turkish Cypriot leadership. Commencement of trade would undermine years of efforts by the Cyprus Government and the International Community to persevere and triumph over the illegal and immoral actions of an aggressive invading Country through peaceful and democratic means in the name of human rights, International Law and EU law.

## 7 CONCLUDING SUMMARY

- The Federation supports a settlement based on the UN process.
- The Federation is seriously concerned about the lack of balance in HMG’s policy during and since the referendum.
- We look to HMG to proceed in a constructive way to support a renewed process, reflecting the UK’s treaty obligations to Cyprus, to International Law and to the standards that the UK expects in other parts of the EU and in the UK itself.
- Any refinement of the Annan proposals must address the concerns of Cypriots from both communities.
- Any settlement must be balanced in reaching what must inevitably be difficult compromises and not favour one community over the other.
- The process of solution development should not mirror the Annan process, which had five attempts at a solution, starting with good will on both sides on the principles but resulting in a text that was seriously at odds with one of the communities.
- HMG to clarify its future policy on Cyprus in the event that Turkey, for reasons not emanating from the Republic of Cyprus, does not receive a favourable reply to its request for a date for the start of EU membership negotiations in December 2004.

## Written evidence submitted by British Residents' Society of North Cyprus

### INTRODUCTION

The British Residents Society is a voluntary organisation set up in North Cyprus in 1975. Its aims and objectives are to foster friendly and harmonious relations with the people of the Turkish Republic of North Cyprus, (TRNC) and to advise and assist its members and make representations on their behalf to the TRNC Government. Membership is voluntary and open to all holders of a valid British passport. Its affairs are managed by a committee of volunteers elected annually at its Annual General Meeting.

Currently there are upwards of 6,000 expatriates living, either full or part time, in North Cyprus. The vast majority of these (in excess of 90%) are British Citizens. They are settled principally in the area of Girne (Kyrenia) and its satellite villages with smaller settlements in and around Gazimagusa (Famagusta), in the Karpaz and Guzelyurt area.

### THE CURRENT POSITION

It is not the intention of this memorandum to deal in detail with the history of the Cyprus problem on which, by now, the Committee is hopefully well briefed. Rather it is to highlight the main problems that this history has left behind and which now need to be addressed in formulating any future policy. These are seen as being:—

a) Although Turks and Greeks have shared settlement in Cyprus for upwards of 400 years they have seldom if ever actually lived together. Both have lived, often in geographical proximity, within their own separate and distinct communities and have largely been responsible for their own affairs. Since 1974, this separation has been complete. The only period of time when they were required to work together, but still not live together, was during the short lived era of the newly independent Republic of Cyprus. (1960–63). This separation is further magnified by the obvious differences in language, culture and religion which exist between them.

b) The Turks have been a minority in Cyprus since the late 19th century. Despite arriving as conquerors in 1571 their status has subsequently seriously declined and there is now a significant imbalance between them and the Greeks. Moreover, this imbalance does not only relate to numbers (some 200,000 to the Greeks 850,000) but also, very importantly to economic strength. They are acutely conscious of this disparity and the dangers it holds for them as amply demonstrated by their past experience particularly during 1963–74.

c) There is now a definite and growing perception on the Turkish side that they have been unfairly treated by the western world in its dealings with the Cyprus problem. In their view the West, and Britain in particular (because of its concern for its military bases) have favoured the Greek side. There is undoubtedly some evidence to support this, most notably in the UN Security Council Resolution of 1964 and the EU decision to admit South Cyprus as representative of the whole island. Both actions have made the Turkish Cypriot position much more difficult in the negotiations for a settlement. This feeling is currently much intensified by the absence of any real progress and reward, as so fulsomely promised by, among other world leaders, the British Prime Minister, following the Turkish Cypriot “Yes” vote in the referendum of April 2004. (See addendum for these promises).

d) There is a widespread belief in the north of the island (and not just by the Turkish Cypriots) that much of the policy formulated on Cyprus is handicapped by a lack of direct knowledge. No doubt as a consequence of its non recognition, visits by foreign diplomats and/or politicians are relatively rare. Those that do take place are generally short lived whistle stop tours where few real facts can be learned. The British do have a High Commission here of course, but it is located in the south. This problem is further compounded by the undeniable success of the Greek side in the propaganda battle on the issue

### POSSIBLE FUTURE OPTIONS

To those of us who live in North Cyprus it seems clear that British foreign policy on Cyprus has been less than even handed in the last 30 years or so. Despite this, rather surprisingly, there remains a considerable respect and regard for the British by the Turkish Cypriots—a situation that appears less prevalent among the Greeks. There is therefore, still an opportunity for Britain to play an important role in solving the Cyprus problem. To achieve this however, it is felt that the following issues must be addressed, and addressed with some degree of urgency.

(a) Britain must take an active and determined lead in ensuring that the promises made to the Turkish Cypriots following the referendum of April 2004 are actually and speedily converted to concrete benefits. This is essential if faith is to be maintained (and it is now being rapidly eroded) in the good offices and intentions of any foreign power. Removal of the economic embargoes is their first and absolute priority and this has been promised to them by the British Prime Minister himself in a speech given during his visit to the Turkish Prime Minister in May 2004. I quote “I think it is important, as I indicated to the Prime Minister, that we end the isolation of Northern Cyprus. We made it clear we must act now to end the isolation of Northern Cyprus. That means lifting the embargoes in respect to trade, in respect to air travel”.

The Turkish Cypriots have fulfilled their part of the bargain in the referendum of April 2004 and they expect Britain and the West to now honour their commitments. Anything less would be a gross denial of their human rights and would sit ill with a Government whose previous Foreign Secretary began his term of office with a much publicised declaration of the need to pursue an ethical foreign policy throughout the world.

(b) In all future negotiations/actions Britain's foreign policy should be carefully directed to firmly ensuring that there is equality for all the parties concerned. There should be no repeat of the more onerous mistakes in the past such as support for the UN Security Council Resolution of 1964 and acquiescence in admitting a divided island into the EU.

(c) Whatever form of settlement may eventually emerge it must be firmly based on the principle of self-determination. Only the Cypriots can have the right to decide what form of settlement they wish to live with and under.

#### SPECIFIC QUESTIONS

Turning now to the main specific questions the Select Committee has been asked to examine, the Society would wish to offer the following observations:

(a) Should Britain continue to back the Annan Plan?

It has been clearly stated by the Secretary General of the UN that his plan would become null and void if any of the parties to the plan did not approve it in the referendum of April 2004. The Greek Cypriot side overwhelmingly rejected the plan. It would seem perverse therefore for the British Government to continue any support of it.

There is a deep and abiding distrust between both communities on the island which is so well entrenched as to make any solution based on political reunification extremely difficult. The present division may seem undesirable but the result has kept the peace for 30 years.

It may well be therefore that a less ambitious approach could be adopted whereby the status quo was accepted and an incremental approach towards a rapprochement was adopted. The outlines of such a policy are already in evidence with a series of confidence building measures being proposed/introduced to establish a cooperative relationship between the two peoples (eg The Turkish Cypriot initiatives to open the border and the suggested return of Varosha to Greek Cypriot control.)

(b) The Implications for the EU of the admission of a divided country

There is no doubt that the EU has got itself into a difficult predicament by its ill judged action of accepting Greek Cyprus into the Union, the more so since their problem has been created by the Greek Cypriots refusal to accept the Annan Plan in the April 2004 referendum.

To untie this Gordian knot a two staged operation could be proposed. The first stage is for the EU to establish direct contact with North Cyprus. This need not be at the political level which would give rise to problems over recognition of the North Cyprus Government. It could be done at the administrative level to provide direct economic contact without reference to Greek Cyprus. It is believed that a precedent for such action exists in the case of Taiwan. Thereafter North Cyprus, given that the political situation allowed it, could enter into full membership of the EU at a later date, possibly alongside the entry of Turkey.

(c) What role should Britain play in any negotiations between the two communities on the island?

This question has largely been answered in paragraphs a, b, and c, Possible Future Options. Here it is merely re-emphasised that any role should be by direct invitation and should be clearly seen to be that of an even handed honest broker.

(d) Implications of the rejection of the Annan Plan for North Cyprus

The implications for North Cyprus will be both injurious and grossly unjust unless some swift action is taken to counteract its effects.

It cannot be stressed too strongly that it was the Greek side that rejected the Annan Plan. The Turkish side voted overwhelmingly for it. If, as a result, the Turkish Cypriots are now to be penalised by the continuance of the embargoes which seriously hinder their economy, greatly restrict their freedom of travel and prevent them from participating in international events of all sorts, a gross denial of basic political and human rights will continue to be endured by an entirely innocent people.

This is a situation which no honourable country should possibly contemplate. It will be inimical to Britain's standing and prestige not just in North Cyprus but in Turkey and in other countries in the region where Britain needs to have amity and influence.

Surely ways can be found to prevent this situation. It need not be difficult. All that is required is the political will and some degree of political honesty and courage by the leadership in Britain.

(d) Should the British Government alter its relationship with the North?

The obvious answer to this question must be 'yes'.

The British Government should work towards honouring the pledges, made by the Prime Minister and other political leaders after the April 2004 referendum, to end the isolation of the TRNC by lifting economic, social and political embargoes.

Finally, the British government should recognise that the government of South Cyprus does not, and never has, represented North Cyprus and therefore should endeavour to free the North Cyprus Government from the subordination the South Cyprus Government continues to seek to impose.

#### ADDENDUM

*UN Secretary General Kofi Annan, 24 April 2004*

“I applaud the Turkish Cypriots who approved the plan notwithstanding the significant sacrifices that it entailed for many of them(I) hope that ways will be found to ease the plight in which the people find themselves through no fault of their own”

*US Secretary of State Colin Powell, interview with the press, 26 April 2004*

“The Turkish Government displayed great courage. The Turkish Cypriots did, as well, on voting for it (UN Plan). And so, I think, there should be some benefits to the Turkish Cypriots for having voted ‘yes’ for this plan.”

*Gunther Verheugen, EU Enlargement Commissioner, 26 April 2004-10-13*

“Turkish Cypriots must not be punished for this result . . . Now we have to end the isolation of the North. The (EU) Commission is ready to take various measures for that aim.”

*Tony Blair, Prime Minister of the UK, during his visit to Turkey, 18 May 2004*

“I think it is important, as I indicated to the Prime Minister, that we end the isolation of Northern Cyprus . . . We made it clear we must act now to end the isolation of Northern Cyprus. That means lifting the embargoes in respect to trade, in respect to air travel”

*The European Parliamentary Assembly Resolution no 1376 (2004)*

The international community and in particular the Council of Europe and the European Union cannot ignore or betray the expressed desire of the majority of Turkish Cypriots for greater openness and should take rapid and appropriate steps to encourage it. The Turkish Cypriots’ international isolation must cease.”

*British Residents’ Society of North Cyprus*

*18 October 2004*

#### Written evidence submitted by Andrew Dismore MP

I previously submitted my speech of 6 July, in the adjournment debate on Cyprus, as evidence to the select committee inquiry. After my visit to Cyprus from Sunday 10 to Wednesday 13 October 2004, I thought that I would offer some further comments. I also visited Athens in the previous week.

In the aftermath of the failure of the referendum, and consequent events, relations between the UK and Cyprus are very poor. Indeed, it was commented to me, that they were “as bad as the 1950’s” by a leading Greek Cypriot. Support for this view is shown by the number of people who raised the question of the sovereign base areas. I do not think there is any serious attempt to open up the future of the bases, but the fact that they are raised by so many people is an indication of the poor relationship. The real problem is not so much UK support for the Annan plan and arguing for a “yes vote” in the referendum, but the reactions to the “no vote” afterwards. This was perceived as hostile to the Republic, and the talk of “punishment” and “rewards” to the Turkish Cypriots has been seen as entirely counterproductive, in the Republic.

Turning to the referendum, the overall view both in Athens and in Cyprus, was that Annan 5 was bound to fail. It seems to be more about Turkey than about Cyprus, to the Greek Cypriots. Whilst Annan 3 might have had a better chance, I suspect that would also have failed. There is great resentment over the accusation that the referendum failed because of a lack of leadership. This is not only factually inaccurate, as is shown by the exit polls (see my speech in the Adjournment Debate on Tuesday the 6th of July 2004), but also suggests that the Greek Cypriots could not think for themselves. They are educated people and are well able to analyse the issues. This is shown by the reaction of many of those who have campaigned long and hard for rapprochement with Turkish Cypriots, who came to the conclusion that they should vote no, often for different reasons. If there was any leadership failure, it was an overstatement by certain leaders, that they could deliver their supporters for a yes vote, when realistically they had no prospect of selling what was regarded as an unsaleable product by their own people. This is shown, for example, by the serious divisions

within AKEL which meant that the leadership had to change their position: whilst the leadership supported the yes vote, they could not bring the central committee with them, thus leading to the “finessing” of their position, calling for postponement of the referendum. DISY suffered badly for their support, in the subsequent European election campaign.

It seems to me that UK policy must aim to do what we can, to restore equilibrium in our relationships with Cyprus. We have to work to bring the proresolution forces in the North and the South together. We have to support progressive forces in the North, who are under threat from a resurgent Denktashh. There is little prospect of a major international initiative from the outside. Indeed, it seems that whenever proposals come from outside these are doomed to failure. There is little enthusiasm from the UN to attempt another initiative in the immediate future. What we ought to do is to help create the climate for a solution from inside the island, looking at confidence building measures.

We have to do so in the context of the relationship with Turkey in the accession process. Turkey must be given its date to commence negotiations, otherwise there is no prospect for Cyprus. It is worrying that DIKO, the President’s party with the support of EDEK the Socialist party, are talking about the possible use of a Cyprus veto on Turkey’s application for a commencement of negotiations date, if the recommendation from the Commission is not amended to include references to Turkish troop withdrawals from Cyprus and progress towards a settlement. The process with Turkey provides the key opportunity to keep up efforts towards a settlement.

It is also interesting to note the attitude of Greece. The incoming Karamanlis New Democracy Party Government did not adopt a leading role in the referendum, unlike Pasok. The New Democracy Government said that they would support the (Greek) Cypriots under President Papadopoulos, whatever they decided. From my discussions in Greece, it seems clear to me that the Greeks now regard Cyprus as a lower priority, and will not allow differences over Cyprus to affect their relationships with Turkey. They are much more concerned about solving their own bilateral problems, as evidenced by the Commission recommendations on Turkish accession, which refer to the Aegean disputes.

We also ought to be aware of the position of UK nationals in Cyprus, with particular reference to those in the North. There is a major construction boom in the North and the largest number of property purchases, mainly of holiday homes and indeed permanent residences and mainly built on Greek Cypriot land, are by UK nationals, who not only help create a poor climate with the Greek Cypriots, but also are potentially jeopardising their own financial position.

#### WHAT IS TO BE DONE?

It seems to me that we need to look at “win/win” ideas.

President Papadopoulos ought to be invited to London for an official visit. There is a lot of ill feeling that “Prime Minister” Talat was invited to the UK, albeit for an “unofficial” visit as leader of the Turkish Cypriots, rather than “Prime Minister” of the “TRNC” but it is resented that President Papadopoulos has not been invited since his election, even though there are informal discussions at European Union meetings between the UK Government and President Papadopoulos.

The issue of direct trade with the North has created a significant backlash. This is not the way forward. The real problem on the island is the lack of trade, altogether. Direct trade would not make a great deal of impact on the Turkish Cypriot economy, probably as little as 60-70 million dollars. Trade across the Green Line is only 50 million euros. The Turkish Cypriots’ argument in favour of direct trade and direct flights is a protectionist argument; and the resistance to direct flights in the South is a misguided protectionist argument, rooted in concerns over the reduction in the tourist trade over the last three years.

With the conclusion of the Customs Union Agreement to include Cyprus / Turkey direct trade, strange consequences have followed. For example, Turkish goods imported into the Republic of Cyprus are cheaper than Turkish goods on sale in Northern Cyprus. However, the Turkish Cypriots are not coming with “clean hands”. There is still an absolute ban by ‘TRNC’ on trade travelling South to North, and efforts to open new crossing points have been met with spurious arguments over the cost of staffing them from the Turkish Cypriot side. The Turkish Cypriots are worried about the Greek Cypriots getting a larger foothold in their economy, a protectionist argument. In fact, there is very little economy in the North, the manufacturing is not competitive, and nor is agriculture.

There are significant delays at the few crossing points that already exist, which deter Greek Cypriots from travelling North. This is particularly so at weekends and holidays periods, when they would be happy to travel North and spend their money there, a home grown and reliable tourist market, largely untapped due to TRNC restrictions. The crossing point delays are a major problem.

Having also discussed the issue with the Turkish Cypriot Chamber of Commerce, it seems to me the way forward is to talk about free trade on the island rather than direct trade. If the barriers to trade within the island could be removed, on both sides, this is the quickest and easiest way significantly to improve the Turkish Cypriot economy, particularly allowing much more freedom of movement to tourists from outside the island to travel North, using Larnaca airport for this purpose, for example. This can only really happen if the Turkish Cypriots lift their embargo on goods from the South, and allow much more freedom of movement across the Green Line. There are also complaints about the Republic imposing various

unnecessary restrictions, for example on lorries and drivers travelling from the North. It is said that these are for safety purposes, but there ought to be a system of adjudication of such disputes to find out what are required by EU rules, and what constitute unnecessary red tape or political postures, from both sides.

If we can promote free trade and make this happen, the question of direct trade can be subsumed into a wider strategic overview, dealing with the major problems which have arisen as a result of too narrow a view, to the benefit of the economies of both communities.

The time is good for a further initiative on the missing persons. The Greek Cypriots have provided information about the fate of a large number of Turkish Cypriot missing persons, to the 'TRNC', but Denktashh has failed to pass that information on to the Turkish Cypriot relatives. This could be a way for Mr Talat to reinforce his position in the North, if he were to adopt a more constructive approach, as against Denktashh (who will not).

The EU aid package needs to be looked at very carefully as to what it is being used for. It is restricted, and cannot be used for development on Greek Cypriot land, whether in private or state ownership, but it may be possible that some of this could be used towards reconstruction of Famagusta. It is also appropriate to consider a new Famagusta / Varosha approach. It seems that there is likely support for a joint initiative from the two local communities, as the Mayors work closely together, with a view to obtaining international funds for restoration of the old town, rebuilding of the port and also opening Varosha to the return of the Greek Cypriot community, based around growth of tourism to the mutual benefit of both sides. The joint initiative with bids perhaps to the EU for reconstruction funds, or UNESCO (cf Dubrovnik) could be a way of making progress on all these issues.

We should look at the implications of the major construction boom in the North. This is creating serious facts on the ground which will become more difficult to unscramble, the longer it goes on. Many UK nationals are buying properties with dubious titles. What they do not realise are the risks they are taking, and in particular that their homes in the UK could be at risk from legal action by Greek Cypriots who own the land on which their Northern Cyprus properties are built. A Greek Cypriot could obtain a Judgment very easily in, say, the Kyrenia Court in the Republic of Cyprus, which is then enforceable in the UK courts against a British property owner. Indeed, plans are already afoot to bring such a claim against a UK company, and it cannot be long before such a case is brought against a UK national. I believe it is important that we must give much clearer and better advice to UK nationals who are looking to buy property in Northern Cyprus.

As well as confidence building measures, we should consider what we can do to encourage progress towards a settlement. The Republic of Cyprus needs to indicate clearly what they want changed in the Annan plan. There has been a lot of discussion around this, and AKEL say that they are "90%" in agreement with the President as to what needs to be changed, but it is not clear whether this applies to the remainder of the parties.

There are two 'classes' of issue. There are the questions of implementation (deadlines, dates); and of substance, for example the presence of Turkish troops and the right of intervention by Turkey.

It would make sense for efforts to be made, to see what could be done on the implementation issues which only affect the Cypriot community, North and South. I certainly formed the opinion that the Turkish Cypriots are willing to negotiate on these issues direct with the Republic, once they know what they want.

One of the difficulties is that President Papadopoulos will not meet Mr Talat, as he is not seen as leader of the Turkish Cypriots, whilst Denktashh is around. It is important that Mr Talat (or another progressive) wins the elections for the Presidency of the 'TRNC' in April. President Papadopoulos needs to be encouraged to meet with Mr Talat in whatever format can be made acceptable.

One of the problems is the relationship between the various pro-solution parties in the Republic; and between pro-solution, North and South parties—political relations between AKEL and CTP are regrettably particularly strained. There are also long standing divisions between the pro-solution politicians in the North, much of which is rooted in personality as much as policy.

There is no doubt, though, that if any settlement is to be possible, progress has to be made on the Turkish troops issue, and from discussions in Northern Cyprus it is clear that they have no real enthusiasm for Turkish troops being permanently stationed after the settlement, long term, and especially after Turkish EU entry.

There are risks in any Republic of Cyprus policy, to "play it long", hoping that the Turkish accession procedure will give some conditionality towards a possible settlement. Greece is not going to be supportive to Cyprus blocking progress on Turkey. The demography is working strongly against the Republic, in that, for example, Turkish Cypriots are moving South in greater numbers both to work and also to access EU passports to either work in the South or leave the island altogether. As they do so, they are replaced by Turkish settlers, particularly in the building trade working on the construction boom to which I have referred. Time is not on the side of the island, progress has to be made.

If anyone visits Cyprus in the near future, there are people I would suggest that they should meet who are not normally on the "usual list": these include Costas Apostalides, who worked on behalf of the Republic of Cyprus on the technical committees behind the Annan plan, and who is an expert on the economy and measures that can be taken to avoid the legal and technical problems that have arisen to block trade; Ali

Erel, from the Turkish Cypriot Chamber of Commerce, who has good ideas on how to develop trade; Elias Georgiades, the Greek Cypriot representative on the UN Missing persons committee who can give a lot of information about possible confidence building measures on this issue; and Achilleas Dimitriadis, a Greek Cypriot lawyer who handled the Loizidou case, and who is dealing with a large number of cases over property issues as a result of the occupation, and who can give a lot of information about the risks to UK nationals of buying in the North.

Contacts should also be made with Costas Carras who is the Chair of the Greek/Turkish Forum, and who is extremely well connected as a member of civil society in Greece and is a long standing expert on the issue of Greek / Turkish relations, as well as the Cyprus problem.

It would also be sensible to meet Mr Kassoulides now MEP, former Foreign Minister in the Clerides Government; and Mr Anastassides, Chair of the Foreign Relations Committee and leader of DISY.

I would be happy to expand on and support this note either in oral evidence or informally, with members of the Committee.

*Andrew Dismore MP*  
Vice Chair, Friends of Cyprus

*October 2004*

#### **Written evidence submitted by Association of Martyrs' Families and War Veterans**

In connection with the new inquiry on Cyprus conducted by your Committee, I have the honour to enclose a memorandum on behalf of our organization. The Association of Martyr's Families and War Veterans was established on 1 January 1975 and has over 4,000 members. We trust that the views presented in the attached memorandum shall be taken into due account during your deliberations.

*Ertan Ersan*  
President, Association of Martyr's Families and War Veterans

*3 November 2004*

#### **MEMORANDUM**

1. Separate simultaneous referenda were held on 24 April 2004 in the Turkish Republic of Northern Cyprus (TRNC) and South Cyprus on the comprehensive settlement plan of the UN Secretary General, the Annan Plan.

2. The plan was approved in the Turkish Cypriot referendum by 65% of the votes whereas 76% of the Greek Cypriot people rejected the plan. As a result, the island of Cyprus was once again deprived of a negotiated solution by the Greek Cypriot side.

3. As the Turkish Cypriot people we awaited a just and viable solution for over four decades. We had overseen the destruction in December 1963 of the bi-communal 1960 Republic of Cyprus and were rejected by force of arms from the partnership government.

4. Greek Cypriots abolished the Republic on 21 December 1963 by force of arms and deprived us from our partnership rights by exclusion. They undertook a violent campaign of ethnic cleansing against our people between the years 1963–1974 in accordance with the Akritas Plan. The inhuman Greek Cypriot actions were reported to the Security Council by the UN observers.

5. If a thorough research is conducted between the years 1963–74, the UN records would officially show these realities which culminate in nothing but genocide.

6. Greek Cypriots refused to accept our equal rights and freedoms and pursued their aspirations to turn Cyprus into a Greek island in the most vicious way. Turkish Cypriots were not only driven from their homes, forced to live in small enclaves, deprived of their basic human rights but repeatedly subjected to violent attacks. The Turkish Cypriot people, in general, chose to forgive and forget the agonies of the past in the name of a better future for next generations. But we, as the families of the martyrs, who have been left behind, still shudder with the memories that are impossible to forget. The memories are kept alive with the spirits of the martyrs. Their unrecognizable dead bodies come before our eyes every single day. Our suffering is eternal.

7. Greek Cypriot murderers believed that Turkish Cypriots who refused to accept their absolute domination over Cyprus deserved to die in return. They killed the unarmed, innocent people from 16 day old babies to 95 year old grandmothers in Aloa, Sandallaris and Maratha. Their mass graves were opened in front of UN observers. 95% of Aloa, Sandallaris and Maratha villages which were completely inhabited by Turkish Cypriots were killed by the Greek Cypriot paramilitaries. Thousands more were killed, maimed or wounded, hundreds went missing and those lucky enough to survive the massacres were forced to live in open air prison conditions during 1963–74.



8. If a Greek Cypriot lady named Louizidou can demand a compensation for not being able to see her house in Girne, then, it should be our right to demand a moral compensation for all of these atrocities and particularly for the 127 babies and women killed who had been living in Aloa, Sandallaris and Maratha in peace without any defense weapons.

9. We still believe that the Greek Cypriot genocide should have been acknowledged as it is. We should have received some sort of compensation but our suffering was not recognised in the Annan Plan as well. However, we know that we must look ahead and cooperate with Greek Cypriots for a better future.

10. It was the Turkish Cypriots who voted for "Yes" in the referendum accepting many sacrifices such as evacuating their houses maybe for the second or third time in 30 years. Turkish Cypriots compromised and supported the Annan Plan so the inhuman embargoes on them could be lifted. Turkish Cypriots wanted to join the EU. Turkish Cypriots wanted to have unhindered relations with the world. And Turkish Cypriots wanted a lasting settlement in Cyprus. But, Greek Cypriots rejected the Annan Plan. They wanted to join the EU on their own and represent us without our permission. Greek Cypriot administration claims to be the government of the whole island and wants to solve Cyprus question on this basis.

11. Greek Cypriot administration demands that all Greek Cypriot refugees return to the North, they want to get all their properties in the North, they want all Turkish migrants to leave the island and they believe they have the right to rule us because they outnumber us. They also claim that EU principles and human rights dictate all these.

12. What about the rights of the Turkish Cypriots? Most of our ex-refugees have no homes to return to even if they wanted to. Their houses and land were either destroyed or expropriated. Now, they must become refugees once again so that the human rights of the Greek Cypriots are served. Turkish Cypriots were not the attackers in the past. And now, Turkish Cypriots are the ones who accepted to compromise to solve the Cyprus problem. Turkish Cypriots settled and invested in the North because they had no other chance for a secure living. Why do they have to suffer again? Why should they give up the properties they invested in and got attached to for thirty years? Is it not the right approach to solve the property and displaced persons issues without destroying the principle of bizonality and in a more humane way? We do not object to the right of property and right of return. But we know that they can also be recognised on the basis of compensation. It is a more feasible and absolute solution to solve these issues on the basis of compensation and without harming the right of another human being.

13. Turkish migrants came to the North because manpower was needed. They started a new life in Cyprus, had children and grandchildren who know nowhere else but Cyprus as home. Majority of these people have been living in Cyprus for over twenty or thirty years. Don't they have the same right as all other migrants who have become and are accepted as the citizens of the countries they settled in after 5-10 years in Europe? Does human rights and freedoms ask for their punishment simply because they settled in a conflict island? We don't think so and hope that the EU will not allow Greek Cypriots to cause new problems in pursuit of their unjust demands.

14. Turkish Cypriots and Greek Cypriots are political equals. We have our own democratically elected representatives and the Greek Cypriot administration does not represent us. A divided island and an administration representing only the Greek Cypriots entered the EU. As all Turkish Cypriots, the members of the Association of Martyr's Families and War Veterans, are ready to compromise for a lasting solution. But political equality, bi-zonality and the continuation of the Treaty of Guarantee are the principles Turkish Cypriots can not and shall not compromise on.

15. To this day, Turkish Cypriot people face all kinds of isolation in every aspect of life and the international community who promised to help us, in case we as Turkish Cypriots said "yes" and Greek Cypriots said "no", did not do anything. We have been left outside the EU whereas the Greek Cypriots joined the EU. They now use their new membership to force all their demands upon us and grant us with minority status. It is very dissapointing that the EU allows the Greek Cypriots to stop every initiative towards correcting this injustice.

16. Turkish Cypriot people cannot and will not bow to Greek Cypriot domination. We know that the EU and the rest of the world do not intend to help Greek Cypriots do away with our rights on Cyprus. We know that they share our determination for a just, lasting and negotiated settlemet. It is for this reason that the international community should now establish direct contact with and support the development of the Turkish Cypriot side. Otherwise, the Greek Cypriot leadership shall have no incentive to stop blocking a negotiated settlemet at the cost of their people, Turkish Cypriots and the EU.

17. The Turkish Cypriot people only ask for their decades old unfair punishment to come to an end. We as Turkish Cypriot people continue to be subjected to illegal restrictions and embargoes. Our right to act and speak on our behalf is not acknowledged. It is high time that the inhuman embargoes imposed upon the Turkish Cypriot people are lifted outright and the undeniable fact that the so called "Government of the Republic of Cyprus" does not and has no right to represent us is recognized. Only then the way to a lasting settlement in Cyprus shall be open. Only then the EU shall be rid of the burden of having a divided conflict island as its member.

**Written evidence submitted by Kyrenia Refugees Association**

*Reassessment of the British Governments policy on Cyprus*

We understand that you will be re-examining the policy of the British Government, on Cyprus, following the Referendum outcome, on the ANNAN Plan.

We take this opportunity to convey to you some points which we are sure shall be for the benefit of Britain and Cyprus, the British and the Cypriot people, to consider.

Analytically, our views are presented in a series of letters we have sent to the British Prime Minister, the British Foreign Minister, the U.N. Secretary General, the Members of the European Parliament, Mr Verheugen and the Members of the European Commission, soon after the 24th of April Referendums, copies of which are hereby attached for you to consider.

Please study carefully and let your heart listen to our peoples cry for justice as the prelude to peace.

The first thing you should consider is the question whether Britain has treated Cyprus and its people, Greek and Turkish Cypriots, Maronites, Armenian and others, fairly, over the years and especially today.

British Politics have been very unfair to Cyprus, an ex-colony, a Member of the Commonwealth, a place where the ordinary British Citizen has always been welcomed and felt at home.

You can make up for lost time now, by proposing a reversal of the British Politics towards Cyprus, which is still quided by the 1950 attitude, as is being recorded in the British Foreign Office documents of that period.

Cyprus has to be liberated from the Turkish occupation and be rid off the Turkish settlers who are not part of the Cypriot life.

The Cyprus Government has to restore its Authority and Sovereignty over the hole of Cyprus and the Human Rights of all the people here should also be restored.

We , the refugees are still waiting to return to our homes and property and it was not fair at all to find out in the ANNAN Plan that we were being condemned to remain refugees for ever, while the current users were recognized as legitimate users, with the right for first choice. The right of resettlement, for the refugees, is not a matter of choice. It is an inalienable Human Right.

Dear friends,

It is up to you to make a difference now, by proposing that Britain should move ahead and drop the past politics on Cyprus. That way Britain shall continue to safeguard and guarantee it's vital interests in the Area.

Continuing the conflict with the Cypriot People is not in the British Interest.

*Ioannis Shekersavvas*  
Secretary, Kyrenia Refugees Association

8 September 2004

\* \* \*

To all the Honorable members of the European Parliament

Dear Sirs,

This is not a political or legalistic letter. It expresses the views and the feelings of the Greek Cypriot refugees, following the referendum on the ANNAN Plan, which took place on April 24, 2004. It comes from the heart and sole and it expresses the logic of the ordinary person. Not any person. The victim of military aggression, whose life in the ancestral homes was interrupted brutally and violently. The person who patiently waited for 30 years, looking to the world, to Europe, for justice and freedom. Allow some of your precious time and listen to the voice of desperation.

It is with sadness, shock and astonishment that we listened to the reactions, from European Officers and the European Parliament, to the result of the referendum in the Greek Cypriot Community, on the 5th ANNAN Plan, on the 24th of April 2004. First of all we were shocked to hear the European Officials and Parliament intervening before the referendums, calling for "yes" to the ANNAN Plan, and trying to dictate the Cypriot Vote. This is a practice that belongs to past centuries. Has it become part of the Principles the European Union is founded on? We would really like to know.

What was the aim of the referendum? Was it to get a pre-decided "yes", or to obtain the free decision of the people?

The Greek Community voted "no" with a vast majority of 76%. The result of the referendum is a classical case of the people speaking their mind, freely and democratically and is telling the World, enough. Enough with lies, enough with pressures, enough playing with our feelings, our lives, our Rights, our destiny. Enough with the mockery of mediation for a solution to the Cyprus Problem Enough! That is why the majority is so large, irrespective of Political Parties, irrespective of ideology, irrespective of what the Party Leaders preached. The result of the referendum is something to be respected and all those who want to question it, should look closely and without any "strings", at the "object" of the referendum. The ANNAN Plan.

What is really preposterous, is the insults and damnation of the Greek Cypriots, heard from the lips of European Officials after the referendum, such as: The accusation that we were terrorized to vote “NO”, or we were misguided to vote “NO”, that, since we voted “no” the boundaries of Europe after Cyprus becomes a full member will be along the Attila line, that Europe will start financing the illegal regime in the occupied areas of Cyprus, that Europe will recognize the illegal regime in the occupied areas of Cyprus, that Europe will start trading with the illegal regime in the occupied areas of Cyprus through the occupied ports and airports of Cyprus, that the number of Turkish settlers will continue to increase and the number of Turkish troops will increase etc. Horrifying is also the statement that “Europe” will not victimize the Turkish Cypriots, because they voted “yes” and will punish the Greeks, because they voted “no”. This position will deepen the division on the island.

Shameful is also the fact that the European Union has endorsed the Annan Plan whose philosophy and parameters and consequently each individual article, are contrary to the principles upon which the European Union is founded, are contrary to the Charter of the United Nations, and are contrary to the Universal Declaration of Human Rights. It is cleverly and vaguely worded in order to cheat the Cypriot people in endorsing it, with the sole purpose of legalizing the so called “realities”, created by the Turkish military invasion of Cyprus in 1974, as well as the unilateral partitionist acts and war crimes committed by Turkey in Cyprus over the last 30 years. It seems to us that Europe hastily wants to “close” the Cyprus case without due respect to the rule of Law.

The plan fails with respect to the Constitutional proposals it makes, it fails with respect to Human Rights, and it fails to reunite Cyprus. It simply legalizes the separation of the Cypriot People, on the basis of race and religion, into two separate constituent states. This is apartheid in the heart of Europe. Such a plan is unacceptable to the Greek Cypriots and we are sure is unacceptable to the Turkish Cypriots as well. It is easy to conclude that the “yes” vote in the occupied areas was given by the Turkish settlers, illegally being in Cyprus, and who voted as Cypriots, with the blessing of European Authorities, contrary to the European principles. This claim is legitimate, and should be investigated. We say it is legitimate, since, by the Turkish Cypriot “Authorities” admissions more than once, the Turkish Cypriots remaining on the island are only 55-60 Thousand, while 143,000 people voted in the referendum.

The Cyprus problem is a pure case of foreign military invasion, occupation and violation of Human Rights and this FACT can not be revoked with the Annan Plan. We, the Greek Cypriot refugees are the living proof, and although 30 years have passed the fact remains. The Greek Cypriots as free people, as true Europeans, waited patiently for 30 years, placing our hopes and faith in the World Organization (UN) and the European Union, which we worked so hard to join. The discussions went on for years. We were kept in the dark, because the UN Secretary General had imposed all these years a blackout on the discussions. We were given hopes by random statements from the Europeans, none of which was letting out what was really being prepared behind the closed curtains of diplomacy.

We were not aware of what was being discussed, until the Annan Plan was made public. Fortunately the Greek Cypriots can read. It was not difficult to reject the Plan, because as a whole, it is so clearly wrong. It is in violation of the rule of Law, European and International. A simple comparison of Articles can verify this fact. Our hopes and expectations to return to our homes and property, arising from the guarantees, International Law is giving us, were dashed in a 200 pages document, called the Annan Plan. We were so looking forward to have our communities, villages and towns, in the occupied areas, restored as entities, so life can continue from where we left it in 1974. None of this is happening with the Annan Plan, which instead, guarantees the “realities” existing there today, with some of us returning after a number of years, to be scattered here and there, among the Turkish Community, as “aliens”. We regretfully note once more that the mediators did not work to reunite Cyprus. They worked to legalize the “realities” brought about by the war and the 30 years that went by. They worked to “let Turkey off the hook” for all the crimes she committed in Cyprus. One must not forget that these crimes were condemned by the European Court for Human Rights.

Dear Sirs,

The present day is not only crucial for Cyprus. It is also crucial for Europe, the European Accord and the European Vision. The appeasement of an aggressor, (Turkey) especially if he is seeking to become a Member of Europe, allows us to say that it is the biggest mistake one can make, today.

We therefore call on you to reconsider your position on the referendum in Cyprus, in order, not to undermine the European Accord itself, as well as European Justice, by setting a dangerous precedent. Look again at the Cyprus Problem from the right perspective. If you really care about Cyprus do not encourage Turkish secessionist plans with hasty decisions. The problem can be solved by tackling the real issues. Human Rights must be fully restored. Greek and Turkish Cypriots must resettle in their own towns and villages all over Cyprus. This will restore the demographic character of Cyprus and is the only guarantee for the re-unification of Cyprus and it’s people. All the Turkish settlers must leave the island. All the Turkish troops must withdraw.

The security of the island and it’s people should be guaranteed by the European Union, as full members.

Constitution: Can be “build” in line with European principles with one Government, sovereign, with it’s Authority exercised all over the island and with Turkish Community Rights defined in the Constitution, giving them a say in the running of the country.

The European Vision should not be undermined for reasons of political expediencies, or economic and strategic interests from within and from across the Atlantic.

We would really appreciate it, if you give us a chance to present our views by accepting a delegation of our Association the soonest.

Sincerely

*M Loulloupis*  
President

*I Shekersavvas*  
Secretary

\* \* \*

A COPY OF A LETTER FROM THE KYRENIA REFUGEES ASSOCIATION TO THE BRITISH  
HIGH COMMISSIONER IN NICOSIA, DATED 4 MAY 2004

Your Excellency,

Thank you for receiving us today.

On behalf of the refugees from the occupied District of Kyrenia, we would like, firstly, to express our disappointment with the British Politics on Cyprus especially over the last years.

We strongly protest with the British involvement in the preparation of the Annan plan, with Mr Hannay. The provisions of the Annan with respect to the restoration of the Human Rights, is insulting to the Greek Cypriot refugees and are unacceptable. The Annan plan as a whole package is in gross violation of International and European Laws and Principles. If you require we can analyze the Plan, article by article.

British Politics have let Cyprus down, once again. Cyprus, being an ex-colony, an active Member of the Commonwealth, expected and expects, a better treatment. The Cypriot people have respected, at the expense of their own in many instances, the British Interests on the Island. This is so, even though the responsibilities of Britain arising from the Treaties of Establishment and Guarantees, of 1960, have not been met.

We also strongly protest with the British response to the result of the Greek Cypriot Referendum, with respect to the Annan Plan. We consider as vindictive the British initiatives within the European Commission and the European Parliament, which lead, if adopted, to the recognition of the Illegal Regime in the occupied areas of Cyprus.

Your country's campaign for opening the ports and airports in the occupied areas and for direct financing of the Illegal Regime there, by Europe, leads to of the de jure recognition of the de facto situation there.

We call on your Government, to respect the result of the referendum in the Greek Cypriot Community, respect International Law in the case of Cyprus, respect the U.N. Security Council Resolutions, 541 and 550, the European Court's decisions on Trading with the occupied areas of Cyprus as well as on Human Rights and the Protocol of Accession to the European Union, signed by Cyprus on April 16th, 2003. We are sure that we do not have to remind you what all the above references include, or say.

It is time, now, for Britain to decide to stop being hostile to Cyprus and its people. It is in our mutual interest.

Such a reversal, shall mean that Britain will work with the Government of the Republic of Cyprus so that the Cyprus Problem can be solved within the European framework, by restoring International Law in Cyprus for the benefit of the Greeks, the Turks, the Armenians, the Maronites and other legal Cypriots.

Restoration of International Law shall mean:

- (a) The ending of the occupation, by having the Turkish troops removed.
- (b) The repatriation of the Turkish settlers.
- (c) The restoration of the sovereignty and authority of the Cyprus Government, all over the island.
- (d) The restoration of the demographic character of Cyprus to what it was in 1974 and 1963, with the return of all the refugees, Turkish, Greek and other displaced Cypriots, to their Homes and property.
- (e) The design of a new Constitution for Cyprus, within the new European Context and which will meet the needs and fears of all people in a democratic society.

We shall await your Government's written response on our views and request.

Sincerely

*Mr Michalis Loulloupis*  
President

*Mr Ioannis Shekersavvas*  
Secretary

\* \* \*

A COPY OF A LETTER FROM THE KYRENIA REFUGEES ASSOCIATION TO THE BRITISH  
PRIME MINISTER, DATED 20 MAY 2005

Dear Sir,

It is shameful that you should be using as an excuse, the “NO” vote of the Greek Cypriots, to the Annan Plan, in order to promote the recognition of the illegal regime in the occupied areas. We are sure that, you know very well why the Greek Cypriots voted NO to the Annan Plan. Because it does not solve the Problem, it is unjust and totally unacceptable to any self respecting person. If it had to do with you, we are sure you would have voted NO, as well.

Your Government’s proposals for direct trading between Europe and the occupied areas of Cyprus, through the illegal Ports there, constitute violation of the U.N. Security Council Resolutions 541 & 550, constitute violation of European and British Courts decisions and it violates the Principles Europe is founded on.

As a consequence, you may think you are punishing the Greek Cypriots, seeing to your own strategic interests, in the area, but you are in fact undermining the European Union and the European Vision.

Therefore we call on you to reconsider your actions, and we ask you to direct them at eliminating the root of the Cyprus Problem, which is the violation of International Law by the Turkish invasion, occupation and violation of Human Rights. The interests of the Turkish Cypriots, for which you seem to be so concerned about, will not be served through your present proposals.

Persisting with your present course of action will only deepen the division between Greeks and Turks in Cyprus, with consequences not only on the local people but on Europe and the Greek/Turkish relations, as well.

Peace on the island can only be achieved with the restoration of justice. Justice can, and will be served by implementing in Cyprus the principles upon which the European Union is founded. Once the process begins, we shall be able to reverse the conditions on the island, from those of occupation and partition, and harmonize them with the European Accord, in the same way we harmonized the way of life in the free areas of Cyprus to that of Europe.

Sincerely

For the Association  
*Ioannis Shekersavvas*  
Secretary

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A COPY OF A LETTER FROM THE KYRENIA REFUGEES ASSOCIATION TO MR GUNTER  
VERHEUGEN, COMMISSIONER FOR THE ENLARGEMENT

Dear Sir,

This is not a political or legalistic letter. It expresses the views and the feelings of the Greek Cypriot refugees, following the referendum on the Annan Plan, which took place on April 24, 2004. It comes from the heart and sole and it expresses the logic of the ordinary person. Not any person. The victim of military aggression, whose life in the ancestral homes was interrupted brutally and violently. The person who patiently waited for 30 years, looking to the world, to Europe, for justice and freedom. Allow some of your precious time and listen to the voice of desperation.

It is with sadness, shock and astonishment that we listened to the reactions, from European Officers and the European Parliament, to the result of the referendum in the Greek Cypriot Community, on the 5th Annan Plan, on the 24th of April 2004. First of all we were shocked to hear the European Officials and Parliament intervening before the referendums, calling for “yes” to the Annan Plan, and trying to dictate the Cypriot Vote. This is a practice that belongs to past centuries. Has it become part of the Principles the European Union is founded on? We would really like to know.

What was the aim of the referendum? Was it to get a pre-decided “yes”, or to obtain the free decision of the people?

The Greek Community voted “no” with a vast majority of 76%. The result of the referendum is a classical case of the people speaking their mind, freely and democratically and is telling the World, enough. Enough with lies, enough with pressures, enough playing with our feelings, our lives, our Rights, our destiny. Enough with the mockery of mediation for a solution to the Cyprus Problem Enough!

That is why the majority is so large, irrespective of Political Parties, irrespective of ideology, irrespective of what the Party Leaders preached.

The result of the referendum is something to be respected and all those who want to question it, should look closely and without any “strings”, at the “object” of the referendum. The Annan plan. What is really preposterous, is the insults and damnation of the Greek Cypriots, heard from the lips of European Officials after the referendum, such as: The accusation that we were terrorized to vote “NO”, or we were misguided to vote “NO”, that, since we voted “no” the boundaries of Europe after Cyprus becomes a full member will be along the Attila line, that Europe will start financing the illegal regime in the occupied areas of Cyprus,

that Europe will recognize the illegal regime in the occupied areas of Cyprus, that Europe will start trading with the illegal regime in the occupied areas of Cyprus through the occupied ports and airports of Cyprus, that the number of Turkish settlers will continue to increase and the number of Turkish troops will increase etc. Horrifying is also the statement that “Europe” will not victimize the Turkish Cypriots, because they voted “yes” and will punish the Greeks, because they voted “no”. This position will deepen the division on the island.

Shameful is also the fact that the European Union has endorsed the Annan Plan whose philosophy and parameters and consequently each individual article, are contrary to the principles upon which the European Union is founded, are contrary to the Charter of the United Nations, and are contrary to the Universal Declaration of Human Rights. It is cleverly and vaguely worded in order to cheat the Cypriot people in endorsing it, with the sole purpose of legalizing the so called “realities”, created by the Turkish military invasion of Cyprus in 1974, as well as the unilateral partitionist acts and war crimes committed by Turkey in Cyprus over the last 30 years. It seems to us that Europe hastily wants to “close” the Cyprus case without due respect to the rule of Law.

The plan fails with respect to the Constitutional proposals it makes, it fails with respect to Human Rights, and it fails to reunite Cyprus. It simply legalizes the separation of the Cypriot People, on the basis of race and religion, into two separate constituent states. This is apartheid in the heart of Europe. Such a plan is unacceptable to the Greek Cypriots and we are sure is unacceptable to the Turkish Cypriots as well. It is easy to conclude that the “yes” vote in the occupied areas was given by the Turkish settlers, illegally being in Cyprus, and who voted as Cypriots, with the blessing of European Authorities, contrary to the European principles. This claim is legitimate, and should be investigated. We say it is legitimate, since, by the Turkish Cypriot “Authorities” admissions more than once, the Turkish Cypriots remaining on the island are only 55-60 Thousand, while 143,000 people voted in the referendum.

The Cyprus problem is a pure case of foreign military invasion, occupation and violation of Human Rights and this FACT can not be revoked with the Annan Plan. We, the Greek Cypriot refugees are the living proof, and although 30 years have passed the fact remains. The Greek Cypriots as free people, as true Europeans, waited patiently for 30 years, placing our hopes and faith in the World Organization (U.N.) and the European Union, which we worked so hard to join. The discussions went on for years. We were kept in the dark, because the U.N. Secretary General had imposed all these years a blackout on the discussions. We were given hopes by random statements from the Europeans, none of which was letting out what was really being prepared behind the closed curtains of diplomacy.

We were not aware of what was being discussed, until the Annan Plan was made public. Fortunately the Greek Cypriots can read. It was not difficult to reject the Plan, because as a whole, it is so clearly wrong. It is in violation of the rule of Law, European and International. A simple comparison of Articles can verify this fact. Our hopes and expectations to return to our homes and property, arising from the guarantees, International Law is giving us, were dashed in a 200 pages document, called the Annan Plan. We were so looking forward to have our communities, villages and towns, in the occupied areas, restored as entities, so life can continue from where we left it in 1974. None of this is happening with the Annan Plan, which instead, guarantees the “realities” existing there today, with some of us returning after a number of years, to be scattered here and there, among the Turkish Community, as “aliens”. We regretfully note once more that the mediators did not work to reunite Cyprus. They worked to legalize the “realities” brought about by the war and the 30 years that went by. They worked to “let Turkey off the hook” for all the crimes she committed in Cyprus. One must not forget that these crimes were condemned by the European Court for Human Rights.

Dear Sir,

The present day is not only crucial for Cyprus. It is also crucial for Europe, the European Accord and the European Vision. The appeasement of an aggressor, (Turkey) especially if he is seeking to become a Member of Europe, allows us to say that it is the biggest mistake one can make, today.

We therefore call on you to reconsider your position on the referendum in Cyprus, in order, not to undermine the European Accord itself, as well as European Justice, by setting a dangerous precedent. Look again at the Cyprus Problem from the right perspective. If you really care about Cyprus do not encourage Turkish secessionist plans with hasty decisions. The problem can be solved by tackling the real issues. Human Rights must be fully restored. Greek and Turkish Cypriots must resettle in their own towns and villages all over Cyprus. This will restore the demographic character of Cyprus and is the only guarantee for the re-unification of Cyprus and it’s people. All the Turkish settlers must leave the island. All the Turkish troops must withdraw.

The security of the island and it’s people should be guaranteed by the European Union, as full members.

Constitution: Can be “build” in line with European principles with one Government, sovereign, with it’s Authority exercised all over the island and with Turkish Community Rights defined in the Constitution, giving them a say in the running of the country.

The European Vision should not be undermined for reasons of political expediencies, or economic and strategic interests from within and from across the Atlantic. We would really appreciate it, if you give us a chance to present our views by accepting a delegation of our Association the soonest.

Sincerely

*Ioannis Shekersavvas*  
Secretary

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A COPY OF A LETTER FROM THE KYRENIA REFUGEES ASSOCIATION TO THE BRITISH  
PRIME MINISTER, DATED 30 MAY 2005

Dear Sir,

THE UPGRADING OF THE TURKISH CYPRIOTS

We wish to protest at the continuing British efforts, to “upgrade” the illegal regime in the occupied areas of Cyprus, following our NO vote on the Annan Plan. The British Government acting cleverly as usual, continues to promote the division of Cyprus, without letting the British Public know the hard truth. Officially and publicly your Government claims not to recognize the illegal regime in the occupied areas of Cyprus. However at the same time, with “blows below the belt”, it continues to undermine the legitimate Government of Cyprus by promoting, so called measures of support and “upgrading”, say recognizing, of the illegal regime in the occupied areas of Cyprus. This indeed will be the case if your efforts for direct trading and movement of people via the occupied ports and airports, succeed.

If your Government is really interested to help the Turkish Cypriots, as well as, for the reunification of Cyprus, it should endorse the NO vote of the Greek Cypriots and work closely with the Government of Cyprus, to solve the Cyprus Problem, on the basis of the new developments. Cyprus is now a full member of the European Union and as a consequence the Principles upon which the European Union is founded should become the basis and should form the framework for the solution of the Cyprus Problem.

It is time for Britain to put behind her the insensitive politics of the fifties. It is in your country’s best interests to drop the “divide and rule” politics as well as the vindictiveness Britain has showed towards Cyprus ever since the 1st of April 1955. Despite this cruel fact, which is historically established through the release of the secret documents of the British Foreign Office, as well as despite the fact that there have been many occasions justifying otherwise, the British Interests on the Island have so far been respected by all.

The only way the Turkish Cypriots can be helped, is by being advised to re-integrate with the Cypriot Community and not by trying to establish their separate state. They cannot build the future on super privileges granted to them by the outcome of the Turkish invasion, at the expense of the legitimate rights of the large majority, of 82%, of their compatriots.

Therefore in the name of justice, in the name of peace and on behalf of the refugees from the occupied District of Kyrenia, the victims of aggression and violence, we ask you to put a halt to the divisive measures you are promoting through the European Commission and start to work for the ending of the occupation of Cyprus and the restoration of International Law on the Island.

Sincerely

For the Association  
*Ioannis Shekersavvas*  
Secretary

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A COPY OF A LETTER FROM THE KYRENIA REFUGEES ASSOCIATION TO THE  
SECRETARY GENERAL OF THE UNITED NATIONS, DATED 1 JUNE 2004

Dear Sir

About your expected report to the Security Council regarding your proposed Plan for the solution of the Cyprus Problem and the consequent results of the referendums.

In the light of the preparation of your above report we hear that you would be critical of the Greek Cypriots for voting NO in the referendum, that you would be calling us to review our position on your proposals.

If all this is true we tell you without hesitation that you would be twice as wrong as you were by proposing the so called “Annan Plan” in the first place.

You should be the one to review your position on Cyprus. You should remember that you were sworn as Secretary General to the U.N. with the obligation to uphold it’s Charter, as well as International Law and the Universal Declaration for Human Rights.

Having said this, we wish to remind you who the Greek Cypriots are, who voted NO to your Plan and why.

We, the Greek Cypriots Refugees, are 33% of the whole population of Cyprus, and we constitute over 82% of the indigenous population in the occupied areas of Cyprus, and at the same time we are the rightful owners of over 85% of the property in the occupied areas of Cyprus.

We became refugees following the Turkish invasion of Cyprus in 1974, after we were forcibly evicted from our homes and property.

We remain refugees ever since, because the occupation continues. You see, we are only a small nation and we can not regain our freedom alone. The World Community not only did not play it's part to restore the International Law in Cyprus, but it also tried through you and your dictated proposals to obtain our "YES" vote for the legalization of the "realities" of the Turkish invasion.

Well, as a small Nation, believing in the existence of the United Nations, and its mission for which it was founded, being to protect the small Nations, from foreign aggression, we could not endorse your "Plan" which was in total conflict with the above principle.

How could you be asking us, the rightful owners of property in the occupied areas, the people whose permanent residence was in the occupied areas for centuries, to make an application, which to be examined by a Committee, and if the "current user", who do not belong there can oblige, we could be granted an approval to have part of our property returned to us, after a number of years. Have you really thought over seriously your proposal?

How could you be recognizing to the invading country Turkey, through your Plan, strategic interests on the Island, the role of an interested party with the right to maintain thousands of troops on the island and further intervention rights?

How could you be proposing to legitimize the Turkish Settlers on the island, thus letting Turkey "off the hook" for this serious war crime?

How could you be proposing for the separation of the Cypriot people in terms of race and religion, thus promoting apartheid?

How could you not respect the fact that Cyprus was becoming a European Union Member and you proposed provisions which are in contravention to the principles upon which the European Union is founded?

How could you be asking us, the victims of aggression to relinquish our Right to seek justice through the European Courts for Human Rights for crimes committed against us by Turkey in 1974 ie killings of relatives and friends, ill treatment, prisoners of war who never returned, destruction of immovable property, deprivation of use property, destruction of our churches and shrines, destruction of our cultural inheritance etc.etc.

We could be raising such questions on every issue covered in the 9,000 pages of your Plan. Every page we go through until today, when we read over it, again and again, is contrary to the U.N. Charter, International Law, European Principles and Universal Declaration for Human Rights. Your proposals are not in line with U.N. Security Council Resolutions, eg 541 & 550 and many others, as well as the European Courts' decisions on Human Rights.

Indeed we would be interested to hear from you a good reason, why we should have voted "YES" to your proposed Plan.

Therefore we call on you to reconsider and really think what you should report to the Security Council. We anticipate that a U.N. Secretary General should act independently, and reject all pressures, political expediencies and interference with his work, which should be guided solely by the provisions of the U.N. Charter.

Sincerely

On behalf of the Association  
*Ioannis Shekersavvas*  
Secretary

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A COPY OF A LETTER FROM THE KYRENIA REFUGEES ASSOCIATION TO MEMBERS OF  
THE EUROPEAN COMMISSION, DATED 29 JUNE 2004

Dear Sirs,

The Turkish Cypriot "YES" vote to the ANNAN Plan do not justify illegal actions by the European Union

We note with regret that, the "YES" vote to the Annan Plan, by the Turkish Cypriots, is being exploited and is being used as the excuse to promote measures which lead, directly or indirectly, to the recognition of the illegal regime in the occupied area of Cyprus.

It is a well calculated step in the direction of legalizing the de facto situation created by the force of arms, in line with the ANNAN Plan. Such measures, seem to be, according to various press reports,

— Direct dealings by European Bodies, with the illegal regime in the occupied areas of Cyprus.



- 
- Direct contacts with the representatives of the illegal regime in the occupied areas of Cyprus giving them the status of State representatives.
  - Direct flights to the illegal airports in the occupied areas of Cyprus.
  - Direct trading with the illegal regime in the occupied area of Cyprus, through the occupied ports of Famagust and Kyrenia.

As people who have suffered severely from intrigues, political expedencies, arm twisting policies and political bullying, lies, hypocrisy, and brute foreign intervention, and today, as European citizens, we would like you to consider the following:

1. Is today's expressed sensitivity, about the condition of the Turkish Cypriots, and the expressed desire to "help them out of their isolation", really justified, or is it part of the political expedencies serving the British and American strategic interests, which dictate that the Turkish designs on Cyprus be rewarded?

2. In trying to answer the above question for yourselves you should consider whether it is worth violating the principles upon which the European Union is founded, in order to satisfy unlawful political aims, or, whether it is justified in order to satisfy unlawful political pressure from countries, European Members.

3. We hope, for the sake of the European Union, that you would not allow the unlawful proposals under consideration and preparation to materialize.

4. We also ask you to reconsider your views on the Annan Plan, considering the true realities of the Cyprus Problem, which are:

- Invasion by a foreign country, Turkey, of another independent country, member of the United Nations. Cyprus.
- Flagrant violation of the Human Rights of 30% of the Cypriot Population. Refer this percentage to your country's population, so that you can realize the dimensions of the refugee problem.
- Illegal colonization of the occupied areas, following the Ethnic cleansing carried out by the Turkish invading troops. There has been mass, violent and forced population movement, as a result of the Turkish invasion, a reality which should not be ignored. You should ask yourselves whether these cruel events, are dealt with by the Annan Plan.

5. Therefore the occupied areas of Cyprus are not "a third country", which under the European treaty can be eligible for trade with the European Union. We wish to refer you to the Protocol of Accession of Cyprus which clearly state that the whole of the Republic of Cyprus is entering the European Union and that the European principles shall not apply in the occupied areas while the occupation continues.

6. We ask you to investigate whether the Turkish Cypriot "YES" vote, really expresses the will of the Turkish Cypriots. We are of the opinion that the 66% who voted "YES" in the occupied areas are the Turkish Settlers who had no reason not to be satisfied with the Annan Plan. It legalizes their stay in Cyprus at the expense of the indigenous population. On the admissions of the illegal regime in the occupied areas, before the Annan Plan appeared, the Turkish Cypriots remaining on the island were only 55,000. (From 120,000 in 1974). On the day of the Referendum the voters in the occupied areas were 141,000.

From these figures it is clear that the Turkish Cypriots are about only 30%, ie they make the percentage which voted NO, to the Annan Plan. We know for a fact that the Turkish Cypriots are not keen to live for ever, either with the Turkish settlers, or with the Turkish army staying on the island, nor under the Turkish Government influence.

7. The integrity and the future of the European Union is jeopardized by the actions of certain European Officers who have turned the referendums on the Annan Plan, in to a Vendetta against the Cyprus Republic, in full conflict with the European accord, in a clear effort to satisfy interests, foreign to the European Accord, contrary to the principles upon which the European Union is founded.

8. It is a shame to undermine all that has been achieved so far. We are sure you will not allow it.

On behalf of the refugees from the occupied District of Kyrenia, the victims of Turkish aggression,

Sincerely

For the Association  
*Ioannis Shekersavvas*  
Secretary

#### **Written evidence submitted by National Unity Party**

The National Unity Party is the largest single Party in the Parliament of the Turkish Republic of Northern Cyprus, holding 19 of the 50 seats.

The Select Committee will have received a large amount of detailed evidence in the course of the Inquiry. The purpose of this submission is to summarise what we consider to be the most important points.

The most important point in our view is that the Committee should not consider itself bound by any pre-existing policies, statements, resolutions or positions, but should examine the Cyprus question ab initio. It should in particular be willing to challenge the Executive branch of government in Britain, and to challenge the EU, the United Nations, and any other institution whose policy is or might be wrong.

It is necessary to be quite clear that Cyprus is not and never has been since independence a single body politic with a majority and a minority. There are more Greek Cypriots than Turkish Cypriots but they were both recognised from the very beginning of the Republic of Cyprus in 1980, by its Constitution and founding Treaties as being two separate peoples, each with its own basic rights and obligations.

This fundamental reality in Cyprus has since been recognised by successive Secretaries-General of the United Nations, and most recently in the Annan Plan of March 2004<sup>160</sup> in which it was expressly acknowledged that the relationship between the Turkish Cypriots and the Greek Cypriots is not one of majority and minority but of political equality where neither side may claim authority or jurisdiction over the other”

Cyprus has never been part of Greece, and is 250 miles from the nearest Greek island. Turkey is only 40 miles away.

#### IS THERE REALLY A “GOVERNMENT OF CYPRUS”?

This is not a theoretical question. It is of the utmost importance because the acceptance of the Greek Cypriot Administration as if it were the Government of Cyprus has shut the Turkish Cypriots out of all formal channels of international communication so that only the Greek Cypriot side of the story has been heard. It has enabled the Greek Cypriots to keep the Turkish Cypriots under a crippling embargo for forty years without any authority under Chapter VII of the United Nations Charter.

The British Government accepted that “Cyprus Government” could mean only a government which acts with the concurrence of its Turkish Cypriot and Greek Cypriot members.”<sup>161</sup> There has been no concurrence since 1963, when the institutions of the Republic were destroyed by force of Greek Cypriot arms.

In 1963 the Greek Cypriots refused to accept the decision of the Supreme Court of Cyprus<sup>162</sup> in favour of the Turkish Cypriots, and their armed attack upon the Turkish Cypriots began. They argued that the 1960 Constitution was unworkable, but that did not of course justify their resort to violence. In any event Glafcos Clerides, later to be the Greek Cypriot President, confirms in his memoirs<sup>163</sup> that unworkability could not be established.

We will not examine in detail here the massacres of Turkish Cypriots which took place at Christmas 1963 and in 1964, as they are so well documented in the newspaper reports at the time<sup>164</sup> and there are many survivors still alive and willing to testify. Suffice it to say here that Sir Alec Douglas-Home recorded<sup>165</sup> his opinion that if the Greek Cypriots could not treat the Turkish Cypriots as human beings they were inviting the invasion and partition of the island.

Likewise, the American Under-Secretary of State, George Ball, said in his own memoirs<sup>166</sup>, that the central interest of the Greek Cypriot leader, Makarios, “was to block off Turkish intervention so that he and his Greek Cypriots could go on happily massacring Turkish Cypriots.

Prof Michael Moran, of Sussex University, made the following diagnosis of Greek Cypriot attitudes<sup>167</sup>: “It was because they were under a kind of ideological spell, a collective mental condition similar to what Marxists used to call “false-consciousness” that the Greek Cypriots could embark upon their particular course of action in December 1963 with all the zeal and confidence they did.

Brainwashed through at least a hundred years of school-teaching and sermonising into a set of beliefs pathologically at odds with any plausible account of historical and political realities; lacking contact with a counterbalancing tradition of rational criticism; for the most part incapable of ironic scepticism towards theological obfuscation—the Greek Cypriot leaders were effectively de-sensitised to the equally important rights of the Turkish Cypriots. In this way they were able to treat their Turkish compatriots with such consistent and irrational abuse, hardly noticing that this was in fact what they were doing.”

<sup>160</sup> 31 March 2004—Main Article iii.

<sup>161</sup> FO telegram 1131 of 12 March 1964.

<sup>162</sup> Turkish Communal Chamber v Council of Ministers 5 CLR (1963) 59, 77, 78.

<sup>163</sup> “Cyprus-My Deposition”—Alithia publishing company, Nicosia, 1989–1991.

<sup>164</sup> Summarised in Appdx 2 to the written evidence of President Denktas to the Select Committee. See also “The Death of Friendship” by nurse Turkan Aziz; and “The Cyprus Question” by Michael Stephen copies of which have been supplied to the Committee.

<sup>165</sup> “The Way The Wind Blows” Collins 1976, page 242.

<sup>166</sup> “The Past has Another Pattern” Norton 1982 at p345.

<sup>167</sup> “Sovereignty Divided”/1998 p.12.

The Greek Cypriot author, Antonis Angastinlyotis made a documentary film in September 2004 called "The Voice of Blood" about the events of 1963/64 which the Select Committee should certainly see. He cannot get it broadcast in South Cyprus or Greece, and he is now being persecuted. We would suggest that the Committee asks to see him whilst in South Cyprus, but in all probability some excuse will be made by the Greek Cypriot Administration to prevent such a meeting.

We think it very important that the Committee do not accept the Greek Cypriot claim that both sides were to blame for the violence, and that the Turkish Cypriots simply withdrew from their positions in the Republic. There was in fact a systematic attempt by the Greek Cypriot political and religious leadership to deprive the Turkish Cypriots of their basic rights, and in many cases of their lives as well.

The Select Committee itself said in its 1987 report on Cyprus<sup>168</sup> "There is little doubt that much of the violence which the Turkish Cypriots claim led to the total or partial destruction of 103 Turkish villages and the displacement of about a quarter of the total Turkish Cypriot population, was either directly inspired by, or certainly connived at, by the Greek Cypriot leadership".

The Committee continued<sup>169</sup> "The effect of the crisis of December 1963 was to deliver control of the formal organs of Government into the hands of the Greek Cypriots alone.

And at para. 30 "Equally damaging from the Turkish Cypriot point of view was what they considered to be their effective exclusion from representation at and participation in, the international fora where their case could have been deployed. The acceptance at this time by the United Nations and most other international organisations of the legality of what had become an exclusively Greek Cypriot Administration as the sole Government of the Republic of Cyprus is the source of continuing intense bitterness amongst Turkish Cypriot leaders. "An official Turkish Cypriot presence in the international political scene virtually disappeared overnight."

The Greek Cypriots have sought to rely on necessity—for if the Turkish Cypriots withdrew, what option did the Greek Cypriots have but to govern alone? Such a doctrine has no application here, for the Greek Cypriots expelled the Turkish Cypriots and created the necessity themselves. The reverse however is true, that the Turkish Cypriots having been expelled, had of necessity to establish their own State, and it was quite wrong for Britain and the UN to refuse to accept it in 1983.

The Select Committee reported unanimously in 1987<sup>170</sup> that, "Although the Cyprus Government now claims to have been seeking to "operate the 1960 Constitution modified to the extent dictated by the necessities of the situation" this claim ignores the fact that both before and after the events of December 1963 the Makarios Government continued to advocate the cause of ENOSIS [annexation to Greece] and actively pursued the amendment of the Constitution and the related treaties to facilitate this ultimate objective. In February 1966 Makarios declared that the [1960] Agreements had been abrogated and buried".

The Committee continued: "Moreover in June 1967 the Greek Cypriot legislature unanimously passed a resolution in favour of ENOSIS, in blatant contravention of the 1960 Treaties and Constitution."<sup>171</sup>

Further, the Select Committee found<sup>172</sup> that "When in July 1965 the Turkish Cypriot members of the House of Representatives sought to resume their seats they were told that they could do so only if they accepted the legislative changes to the operation of the Constitution enacted in their absence". There can therefore be no substance in the claim of necessity after July 1965, even if there had been any before. Moreover, despite the serious risks and huge disadvantages which the Annan Plan contained, the Turkish Cypriot people voted to accept it, having been led to believe that it would create a new partnership of political equals—but the Greek Cypriots rejected it.

Although the UK Government deals with the Greek Cypriot Administration on a day to day basis as if they were the lawful Government of Cyprus, it does not formally recognise them as such, for on 25 April 1980 the Secretary of State for Foreign & Commonwealth Affairs made the following statement<sup>173</sup>: "We have conducted a re-examination of British policy and practice concerning the recognition of Governments. This has included a comparison with the practice of our partners and allies. On the basis of this review we have decided that we shall no longer accord recognition to Governments. The British Government recognises States in accordance with common international doctrine."

There is no UN Resolution which confers upon the Greek Cypriot Administration the status of the Government of Cyprus. Security Council Resolutions 541 and 550 are concerned with States not Governments, and they say nothing about who is the government of Cyprus.

<sup>168</sup> H.C. no. 23 of 1986–87 7 May 1987 page xii para. 27.

<sup>169</sup> *ibid.* para. 28.

<sup>170</sup> *ibid.* page xiii para. 31.

<sup>171</sup> *ibid.* (Art. I of the Treaty of Guarantee declares prohibited any action likely to promote directly or indirectly union with any other state or partition of the island, and Art. 185(2) of the Constitution is to similar effect).

<sup>172</sup> *Ibid.* page xiii para.3 1.

<sup>173</sup> Hansard Lords) vol. 408 ccl. I 121. See also Hansard (Commons) vol. 983 WA cols. 277-9 2?11 April 1980 Hansard (Commons) vol. 989 WA col. 723. See also Hansard (Commons) 12 Nov 1967 WA col. 240.

Having expelled the Turkish Cypriots from their positions in the Republic by force, the Greek Cypriot “rump” of the bi-communal Government set itself up as the Government of Cyprus. It is difficult to imagine a more profound betrayal of the Turkish Cypriots and a more serious breach of all the values for which Britain stands, than this conduct of the Greek Cypriots, and the acceptance which Britain and other members of the international community have accorded since then to the Greek Cypriot Administration.

A very serious injustice has been done to the Turkish Cypriots, which must be remedied without further delay. The Select Committee should in our view recommend that the UK Government and the EU should in future deal with the Greek Cypriot Administration for what it is—namely the Greek Cypriot Government of Southern Cyprus, with no jurisdiction over Northern Cyprus nor the people who live there.

The Committee should in our view also find that the Turkish Cypriots had every right to establish their own State, and that the British Government should deal with their elected representatives and officials in all respects.

There is no reason why the international community should not accept the separation of peoples in Cyprus as they have done in the former Yugoslavia or East Timor.

#### THE “OCCUPIED AREA”

The Committee should not accept the Greek Cypriot claim that Northern Cyprus is a part of the EU which is occupied by the Turkish Army.

In view of the massacres of Turkish Cypriots which occurred in 1963–64, 1967, and 1974 and the systematic attempt to deprive us of all our basic rights during that period, we submit that Turkey was fully justified in landing troops in 1974, and should indeed have acted earlier. They had at least as much humanitarian justification as NATO had in the former Yugoslavia.

It will be remembered that the massacres which took place in and after March 1964 took place despite the presence in Cyprus of UN and British troops.

In addition, both Britain and Turkey were bound by Art 4 of the 1960 Treaty of Guarantee to guarantee the state of affairs established by the basic articles of the Cyprus Constitution. This at the very least obliged them to secure to the Turkish Cypriots the right to remain alive and to live without fear of persecution, as the political equals of the Greek Cypriots. Britain took no effective action, despite having been requested by Turkey to take joint action; so Turkey had to act alone.

The leader of the Greek Cypriot militia in 1974, one Nicos Sampson, said in 1981<sup>174</sup> “Had Turkey not intervened I would not only have proclaimed ENOSIS—I would have annihilated the Turks of Cyprus.” We have no doubt that he meant what he said, and we have no confidence that the UN troops could or would have stopped him. Since 1974 Turkish soldiers have remained in Cyprus at the request of the Turkish Cypriot people as our only effective guarantee that there would be no more massacres.

The Labour Peer, Lord Willis, who took a particular interest in Cyprus, said<sup>175</sup> “Turkey intervened to protect the lives and property of the Turkish-Cypriots, and to its credit has done just that. In the 12 years since, there have been no killings and no massacres”

In view of what had happened, it was impossible to reinstate the status quo, but Turkey has since that time worked hard to secure an agreement between the Turkish Cypriots and the Greek Cypriots. In March 1988 the Turkish Cypriots accepted the UN Plan, and most recently accepted the Annan Plan in 2004. The Greek Cypriots, while appearing to negotiate in good faith have consistently rejected a settlement.

If the Greek Cypriots had accepted the Annan Plan, there would have been a phased withdrawal of Turkish troops, down to a level of 850 men in the North, with 900 Greek troops in the South, with the likelihood that in time even these would go. These were merely token force levels, which had been agreed by all parties at the time of independence. The Greek Cypriots have no justification for thinking that Turkey would not honour its commitment to withdraw, because Turkey knows perfectly well that any such failure would place in serious jeopardy Turkey’s own accession to the European Union.

The UN has never accused Turkey of invading or occupying Cyprus, and it is in our view quite wrong to regard Turkish soldiers as an occupying force.

Further, there have been many thousands of Greek troops in the South for many years, even before 1974, and nobody has called them an army of occupation.

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<sup>174</sup> Greek newspaper, *Eleftherotipia*, 26 February 1981.

<sup>175</sup> House of Lords, 17th December 1986.

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## NO THREAT TO THE PEACE?

International interference in the affairs of Cyprus cannot be justified by claiming that the present situation is a threat to the peace. Greece and Turkey now have a much more mature relationship, and we think that any talk of war between them is fanciful. The presence of Turkish soldiers in the North has meant that there has been no violence in Cyprus for thirty years, except for isolated border incidents provoked from the South. However, if the present situation were to change by the withdrawal of Turkish troops, and the Greek Cypriots had the upper hand again, we would fear a renewal of violence.

## THE ANNAN PLAN

The Plan was internationally recommended as being a fair solution, and it would be quite wrong to expect the Turkish Cypriots to make any further concessions. In any event the Secretary-General was right after the Greek Cypriot rejection declare the Plan null and void.

The National Unity Party did not support the Plan, and we do not accept it as a continuing basis for discussion. We believe that the Turkish Cypriot people took very serious risks when they voted in April 2004 to accept it. We believe that most people who voted “yes” did so under a form of duress, because they saw no future for themselves if the unjust isolation of their State, and the crippling embargo on their trade and communications continued.

Large amounts of foreign money were poured into the “yes” camp, and foreign representatives interfered directly in the campaign. Turkish Cypriots were assured that they were not voting to abandon their State, nor Turkey’s military guarantee. They were promised that if they voted yes, the way to Europe would be open to them, and the embargo would be lifted. This was a cruel deception.

The Turkish Cypriot “yes” vote has been misinterpreted, and even the UN Secretary-General has claimed that it indicated that the Turkish Cypriot People do not want statehood and that they are not interested in the recognition of their sovereignty and self-determination. Nothing could be further from the truth.

The Annan Plan contained serious risks and disadvantages for Turkish Cypriots, for the following reasons:

### A. *Property Issues*

For thirty years Greek Cypriots have been living in Turkish Cypriot homes in the South and vice-versa. We think it is inhuman to evict from their homes families who have been settled for a long period. Until recently Greek Cypriots used to think only in terms of Turkish Cypriots being evicted so that Greek Cypriots could return to the North<sup>176</sup>, but on 24 September 2004 a Turkish Cypriot, Arif Mustafa, won the right in a Greek Cypriot court to evict the Greek Cypriot occupants of his house in the South.

Greek Cypriots are now saying<sup>177</sup> that it is not right to remove a refugee from the home he has been living in. We agree. The Annan Plan was fundamentally flawed in this respect. It would have required the eviction of between 70,000 and 100,000 people in the North. There are in addition about 40,000<sup>178</sup> Greek Cypriots living in houses on Turkish Cypriot land in the South. Any settlement in Cyprus should not require these people, nor their counterparts in the North, to vacate their homes. Justice can and must be done by formal exchange of properties and equalisation in cash.

Former Greek Cypriot Attorney-General Markides said<sup>179</sup> “People must realise that property rights are not absolute rights. All rights can be restricted or taken away on certain conditions. This is how roads, schools and hospitals are built. Sometimes we as heading towards trouble because we as so absolute in this country. There we no absolute rights”

### B. *Security*

The Annan Plan would have taken away from Turkish Cypriots the effective guarantee of the Turkish army on the ground in Cyprus. It would have left them reliant upon international guarantees which have failed them in the past, and upon the goodwill of the Greek Cypriots, which the referendum result has shown to be absent

Turkish Cypriots are only too well aware of the massacre of the Moslem people of Srebrenica whilst under international protection.

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<sup>176</sup> See *Loizidou v Turkey*. European Court of Human Rights judgement of 18 December 1996 (merits), Reports of Judgements and Decisions 1996-VI, p. 2223.

<sup>177</sup> *Cyprus Mail* 26 Sept 2004.

<sup>178</sup> *Cyprus Mail* 3 October 2004.

<sup>179</sup> *ibid.*

### C. *Political Organisation*

The Annan Plan would have created a “Common State” legislature, the lower House of which would have been dominated by the Greek Cypriots. In the upper House it would not have been difficult for the Greek Cypriots to force through legislation with far-reaching consequences if they could secure the support, or the absence, of a very small number of Turkish Cypriot Senators. Similarly in the Council the Greek Cypriots would have had four voting seats and the Turkish Cypriots two. If the Greek Cypriots could secure the temporary support of one of these Turkish Cypriot Councillors they could have passed whatever they wanted. Reluctant acceptance by the Greek Cypriots of this political structure could easily have led to a repeat of the crisis of 1963.

### D. *Mainlanders*

In 1974 the Turkish Cypriot economy was in a desperate state, and we invited many people from Turkey to come and help us rebuild it. As the economy has grown we have invited many more to help us sustain it. Many of these people have been settled in Northern Cyprus for many years, many have married Turkish Cypriots and their children, and in some cases grandchildren, were born here.

Britain would not expel its immigrants, and should not expect us to do so.

The Greek Cypriots have invited many thousands of Greeks and other nationalities to live in the South and we make no complaint about that.

Greek Cypriots considered “attempts to change the demographic structure of the island” acceptable when they were killing Turkish Cypriots and forcing us to emigrate. They wish to preserve the numerical disparity in the hope that one day they can use their superior numbers again to rule the Turkish Cypriots.

### THE EMBARGO

We invite the members of the Select Committee to ask themselves what the Turkish Cypriots have done to deserve crippling restrictions on our trade and communications for forty years.

On 10th September 1964 the UN Secretary-General reported<sup>180</sup> “The economic restrictions being imposed against the Turkish Cypriot communities, which in some instances has been so severe as to amount to veritable siege, indicated that the Government of Cyprus seeks to force a potential solution by economic pressure.”

The Greek Cypriot newspaper “Alithia” wrote on 17th July 1994:

“We [the Greek Cypriots] caused the Turkish invasion by exerting pressure on the Turkish Cypriots before 1974. After 1974 we decided to exert more pressure. We imposed on them an economic embargo. We entertained the hope that the Turkish Republic of Northern Cyprus would collapse. The consequence of this has been the deepening of the gap between the two communities, and we have forced the Turkish Cypriots closer to Turkey.”

The Select Committee itself made the following recommendation in its 1987 Report<sup>181</sup>

“The Greek Cypriot Government’s policy of seeking to impose an embargo on much of the Turkish Cypriots’ trade and communications with the outside world cannot contribute to a settlement.”

We agree. Even if a settlement had been forced by duress it would not have been a basis for harmony and progress, but a recipe for further strife in Cyprus.

EU Commissioner Verheugen<sup>182</sup> said “Turkish Cypriots must not be punished because of this [Greek Cypriot referendum] result. We now have to end the isolation of the North.”

The Council of Ministers of the EU said<sup>183</sup> “The Council is determined to put an end to the isolation of the Turkish Cypriot community and to facilitate the reunification of Cyprus by encouraging their economic development.”

The Parliamentary Assembly of the Council of Europe resolved<sup>184</sup> that “The Turkish Cypriots’ international isolation must cease.” The resolution continued<sup>185</sup> “The United Nations should consider whether the resolutions on which the sanctions are based are still justified.” The Assembly is presumably referring here to resolutions 541 and 550 which call for non-recognition of the Turkish Republic of Northern Cyprus, but they do not authorise any sanctions. This can only be done under Chapter VII of the Charter.

The UN Secretary-General said<sup>186</sup> “The Turkish Cypriot vote has undone any rationale for pressuring and isolating them.” He said further<sup>187</sup> that the elimination of the isolation of the Turkish Cypriots would be consistent with Security Council Resolutions 541 and 550.

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<sup>180</sup> UN doc. S/5950.

<sup>181</sup> HC 23 of 1986/87 7 May 1987 page xxxiv para. 141.

<sup>182</sup> 25 Apr 2004.

<sup>183</sup> 26 April 2004.

<sup>184</sup> Res. 136 of 29 April 2004 para. 3.

<sup>185</sup> para. 4.

<sup>186</sup> Report on Mission of Good Offices 2 June 2004.

<sup>187</sup> Report 28 May 2004 S/2004/437 para. 93.

In 1987 the Select Committee recommended<sup>188</sup> to the Greek Cypriot Administration that:

- (i) Normal postal and telephone services should be restored between north and south Cyprus and between north Cyprus and the outside world.
- (ii) International commercial air services should be permitted to the North.
- (iii) Ships' Masters who use harbours in the north should not be subjected to threats of legal penalties in the South.

All of these recommendations have been ignored by the Greek Cypriot Administration. The Committee should in our view reinforce these recommendations, and recommend that the UK Government removes all restrictions forthwith.

#### DIRECT FLIGHTS

The UK Government has acknowledged<sup>189</sup> that direct flights from EU member states to Ercan Airport in Northern Cyprus would be in line with the EU policy, encouraged by the UN Secretary-General, to end the isolation of the Turkish Cypriots with a view to reuniting the island.

The UK Prime Minister has declared<sup>190</sup> "We must act now to end the isolation of Northern Cyprus. That means lifting the embargos on trade and air travel. There was a very clear commitment given to the people if they supported the Annan Plan. They have supported it and we must see that commitment through."

The UK Government has further acknowledged<sup>191</sup> that direct air links are a matter for bilateral agreements, not for the EU. Ercan airport has now been fully upgraded to international standards, and the UK Government has been asked in Parliament what (if any) legal impediments, in their opinion, prevent them authorising direct flights. They have given only generalised replies.<sup>192</sup>

As the Select Committee's task is to scrutinise the policies of the Executive, it should in our view demand to know exactly what provisions of the Chicago Convention or any other rule of international law are said to constitute an impediment, and to ask their own legal experts to examine those provisions. The fact that the UK Government will not be specific suggests to us that there is no such impediment.

#### TRADE

It is a grave disappointment to the Turkish Cypriots that this embargo is still in place after they voted to accept the Annan Plan. It is unacceptable that we should have to export and import via the South, and we invite the Committee to reflect on why the Turkish Cypriots should be restricted in this way. There is no reason why phyto-sanitary and other export certificates should not be given by Turkish Cypriot officials or EU officials resident in Northern Cyprus and not accredited to the Greek Cypriot Administration.

Greeks and Greek Cypriots in the EU should not be allowed to abuse their position by attempting to block the dismantling of the embargo, as recommended by the UN Secretary-General, Commissioner Verheugen, the EU Council, Prime Minister Blair, and the Select Committee itself. The short answer to any abuse of veto power should be that the Turkish Republic of Northern Cyprus could be recognised by member-states if the veto is cast.

#### FINANCIAL AID

Turkish Cypriots do not want to base their future on subsidies from the international community—we want to be free to earn our own living in the world without restrictions.

The international community cannot undo the grief and misery inflicted upon the Turkish Cypriots by the Greek Cypriots for 40 years, but it can attempt to compensate them for the damage to their economy during that time, and to enable them to compensate people who lost their properties. The sum of 259 million Euros does not even approach the sum required for that purpose, and even that amount has not yet been paid. It is quite wrong that the Greek Cypriots should have any say over how grants in aid to the Turkish Cypriots should be spent.

#### THE EU

The EU has created a major problem by admitting "Cyprus" to the Union in advance of a settlement. The admission of "Cyprus" without the consent of Turkey was illegal, as it contravened Article 1 of the 1960 Treaty of Guarantee.<sup>193</sup> In addition, Cyprus being the home of the Turkish Cypriots as well as the Greek Cypriots, it was quite wrong of the EU to admit Cyprus without the concurrence of the Turkish Cypriots.

<sup>188</sup> *ibid.*

<sup>189</sup> *Hansard* (Lords) 21 Jun 2004 Col. WA 97.

<sup>190</sup> Speech in Ankara 18 May 2004.

<sup>191</sup> *Hansard* [Lords] 8 July 2004.

<sup>192</sup> See eg. *Ibid* col. 916. *Hansard* [Commons] 22 June 2004, col. 1327W.

<sup>193</sup> Written Opinions (ISBN 0-9540675-1-7) of Prof Maurice Mendelson QC dated 6 June 1997 (UN doc.A/S 1/951-511997/585) 21 July 1997, 12 September 2001 and 3 March 2002 in which he considers in detail the arguments to the contrary advanced in joint written Opinions obtained by the Greek Cypriot Administration from Professors Crawford, Hafner and Pellet. See also Prof. Peter Peruthaler. University of Innsbruck. Austria. Paper delivered at seminar in Jerusalem 1998.

The EU must now be very careful not to allow entrenched Greek Cypriot and Greek interests to cause further injustice to the Turkish Cypriots; nor to Turkey, who has done everything required of it. The EU must always remember that the Greek Cypriot Administration does not represent the Turkish Cypriot people of the island, and that the Turkish Cypriots are not allowed to argue their own case in the institutions of the EU, contrary to the rules of natural justice recognised in all civilised nations.

#### THE CHURCH

The role of the Greek Orthodox Church is hardly ever mentioned in reports on Cyprus, but we know it to have a very powerful influence upon the Greek Cypriot people. The church has always maintained, without any just cause, that Cyprus is a Greek island, and has dedicated itself, as it did in Crete, to the removal or death of the ethnic Turkish people. It is no accident that Makarios was a leader of the Greek Orthodox Church.

Theirs is a racist policy, totally unacceptable in the modern world, and it has directed and informed the policies of successive Greek Cypriot leaders since 1955 and even before. It was the driving force behind the tragedy of 1963–64, and it continues today. In the referendum campaign of 2004 influential church leaders were telling the people that if they voted for the Annan Plan they would go to hell when they died.

#### A VOICE IN THE WORLD

In our view there is no longer any justification, if ever there was, for preventing the Turkish Cypriots from arguing their case fully and freely in all the Councils of the world, and from becoming members of NGO's and sporting organisations. The Parliamentary Assembly of the Council of Europe<sup>194</sup> “considers it unfair for the Turkish Cypriot community . . . to continue to be denied representation in the European political debate. Such continued isolation may help strengthen the positions of those who are opposing a unified Cyprus.”

The National Unity Party does not however regard the compromise solution adopted by the Parliamentary Assembly as satisfactory. The Turkish Cypriot representatives should not be considered part of the “Cypriot” delegation.

The Select Committee should in our view recommend that all British Governmental and nongovernmental organisations should establish normal relations with the Turkish Cypriots.

#### THE WAY FORWARD

Knowing Cyprus as we do, we do not think that the political structures envisaged by the Annan Plan could have worked even with goodwill and tolerance on both sides. The overwhelming rejection of the Plan by the Greek Cypriots, and the statements made by their political and religious leaders during the referendum campaign have shown what we have always known—that the Greek Cypriots do not wish to share power with the Turkish Cypriots. The Secretary-General was right when he said<sup>195</sup> that they had not only rejected his Plan but the solution itself.

In our view, the way forward is not to seek a quick-fix settlement such as the Annan Plan, but rather to pursue an evolutionary process beginning with a confederation between two separate recognised States in Cyprus. What would begin—a confederation might, if given the opportunity, lead in time to a loose federation, but if even that is unacceptable or unworkable, a complete separation.

The two peoples of Cyprus should have the opportunity, as France and Germany have had, to deal with each other as political equals, each secure in its own sovereign territory, and to find a way forward on the basis of mutual respect and common interest. The world should stop trying to persuade one or both of them to accept the unacceptable.

*Dervis Eroglu*

Party Leader, National Unity Party

#### **Written evidence submitted by Cyprus Turkish Fighters Association**

It has come to our knowledge that your Committee is conducting an inquiry on Cyprus. Please find attached the memorandum reflecting the views and concerns of the Cyprus Turkish Fighters Association on the Cyprus question.

As the name implies this Association's membership is open to those persons who took part in the Resistance Movement and the fighters who actually participated in stopping the armed Greek Cypriot attacks on our community.

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<sup>194</sup> Res. 1376 of 29 April 2004.

<sup>195</sup> Report 2 June 2004.



## MEMORANDUM ON THE CYPRUS ISSUE

As the Hon members of the esteemed committee are well aware the Turkish Cypriot have been the victims of horrendous crimes committed against them by the Greek Cypriots specially during the EOKA emergency years and the post independence period stretching 1963 to 1974. This we all remember so vividly.

The Turkish Cypriots have also not forgotten the anti Turkish behavior and actions of the Greek Cypriot community in the post independence years 1960–63 Partnership Republic.

The above well documented facts have made it imperative for us the Turkish Cypriot people of Cyprus that any solution should have no cracks in the new structure which could be manipulated for extending Greek Cypriot domination over us.

A. The Cyprus question has been on the agenda of the international community for 41 years. Many initiatives aimed at its permanent solution ended in failure, including the latest initiative of the UN Secretary-General. The comprehensive settlement plan of the UN-Secretary General was seen as a balanced, workable and fair settlement by the international community, accepted as a compromise by the Turkish Cypriot side but strongly rejected by the Greek Cypriots as unacceptable. Greek Cypriots argue that they are willing for a viable settlement but could not accept the Annan Plan which did not address their so called “serious concerns.” However, the truth is that Greek Cypriots are not ready for any settlement based on power sharing and equality. They prefer to continue enjoying their usurped title of the “Government of the Republic of Cyprus” and pursue the settlement of the Cyprus question within the EU to their full advantage.

B. The 1960 Republic of Cyprus was established as a Partnership Republic with checks and balances between the Turkish Cypriot and the Greek Cypriot partners. However in line with their aspiration to turn Cyprus into a Greek island Greek Cypriots destroyed the 1960 partnership Republic of Cyprus in 1963 by attacking The Turkish Cypriot Community and ejecting all Turkish Cypriot elements, by force of arms from the organs of the government. Since then, Greek Cypriot administration of South Cyprus has been usurping the title of the “Republic of Cyprus” as if it is the “legitimate government of the whole Cyprus”.

C. Through our national resistance, we protected our vested rights at all costs and faced a period of oppression and violence during the years between 1963–74. It is an officially recorded reality that during this period, a quarter of the Turkish Cypriot population in the island became refugees some of them three times over, hundreds were abducted and went missing and hundreds of Turkish Cypriot civilians lost their lives at the hand of Greek Cypriots. Those lucky enough to survive Greek Cypriot atrocities were forced to live in small enclaves being subjected to gross violations of human rights.

D. Being saved from total annihilation by the timely intervention of Turkey at the time of Sampson Coup in 1974, we faced isolation and were outcast as if the Cyprus question was created by the sufferers rather than the oppressors. The Greek Cypriot side was allowed to continue with the pretence that it was the sole representative of Cyprus. Actually, Greek Cypriots were awarded for their aggression and achieved what they sought in the first place, namely a purely Greek Cypriot administration. We, on the other hand, have been subjected to economic, cultural, sporting and similar inhuman embargoes and deprived of our right to international representation through our democratically elected representatives. Using the benefits of international recognition, the Greek Cypriot side managed to convince the world that the Turkish Cypriot side was unwilling for a political settlement and our “punishment” continued. However, the reality finally emerged when the Turkish Cypriot people were given the opportunity to exercise their separate will and hold a referendum on the comprehensive settlement plan of the UN, the Annan Plan. 24 April 2004 referendum proved beyond doubt that The Turkish Cypriot side was indeed ready as it had always been for power shearing on equality bases.

E. Turkish Cypriots acted positively in the simultaneous referenda which were held on both sides of the island on April 2004. The plan was approved in the Turkish Cypriot referendum by 65% of the votes whereas 76% of the Greek Cypriot people rejected the plan. This clearly indicated they had no desire for a solution based on political equality. The Turkish Cypriot people declared their will for a just settlement based on bizonality and equality whereas the Greek Cypriot people clearly demonstrated that they are not ready for any power sharing agreement with us.

F. The referendum result confirmed our main concern that the Greek Cypriot aspirations to fully dominate the island had not changed and is not likely to change unless they are made to see that the international community will not allow such a finality as a Greek Cypriot domination in Cyprus at the cost of our rights. As the Turkish Cypriot Fighters Association, representing the Turkish Cypriots who put everything at stake to protect their vested rights and freedoms in the past. We are determined to stand in the way of future Greek Cypriot efforts aimed at extending their illegal writ over the Turkish Republic of Northern Cyprus. We call upon the international community to stand by our just conviction to ensure that Greek Cypriots acknowledge the fact that Cyprus is the common home of Turkish Cypriots and Greek Cypriots alike who always had and shall continue to have an equal say over its destiny. Only then the way to a political settlement in Cyprus shall be open.

G. History stands testimony to our political and sovereign equality well as the Greek Cypriot refusal to accept this reality and resort to all means including violence to turn us into a mere minority in our own homeland. We know very well that given the opportunity, the Greek Cypriot side shall not hesitate to repeat its aggression against our people. We hope and trust that the international community, in general, and the

EU in particular, shall stand in the way of Greek Cypriot efforts to do away with the established parameters of a future solution especially political equality and bi-zonality. Allowing Greek Cypriot posture to prevent the negotiated settlement of the Cyprus issue and carry it to EU platform in order to solve it in line with its political considerations will certainly hold undesirable consequences for the whole Union.

H. Before the referendum, the Turkish Cypriot people were assured that if they displayed a constructive approach and voted for reconciliation, as envisaged in the Annan Plan the inhuman embargoes would be lifted regardless of the result of the Greek Cypriot referendum. Now, it is time for the international community to keep their promise by lifting the embargoes imposed on the Turkish Cypriots to end our unjust isolation from the rest of the world.

I. After the referendum, Greek Cypriots concentrated their efforts towards the international community and especially the European Union, trying to prevent any positive decision which will support the Turkish Cypriots. Knowing the Greek Cypriot psychology this negative attitude was no surprise for us. As the Turkish Cypriot people, we still keep our faith that international community will not be misled once again by the Greek Cypriot side and serve their political objectives.

J. Greek Cypriots are still arguing that the Cyprus problem started in 1974 with the Turkish intervention but the truth is totally different. Cyprus issue started in the late 1950's as a direct result of the joint efforts of Greece and the Greek Cypriots to annex the island to Greece and culminated by the Greek Cypriot attack on us at the end of 1963. It was the long overdue timely intervention of Turkey in 1974 which prevented extermination of the Turkish Cypriots and the annexation of the island to Greece. Greek Cypriots claim that existence of the Turkish troops in the island prevent the possibility of a solution. However, the Annan Plan envisaged the removal of the Turkish troops from the island in a step by step procedure. By saying "no" in the referendum Greek Cypriots clearly demonstrated that their past attitudes and acts were not sincere.

K. Greek Cypriots also claim that the presence of Turkish troops and the continuation of the Treaty of Guarantee threatens their security. How can the existence of a symbolic number of Turkish troops less than the number of Greek troops allowed by the Annan Plan threaten the security of Greek Cypriots who considerably outnumber the Turkish Cypriots? As for the Treaty of Guarantee, why would a right given to both our motherlands and the United Kingdom that will not be exercised unless it is absolutely necessary disturb the Greek Cypriots if there are no bad but peaceful intentions? In any case, the history of Cyprus shows that it is not the Greek Cypriots who should worry about security needs but our people. It is for this reason that the continuation of the Treaty of Guarantee and the presence of Turkish troops on the island is absolutely necessary for fulfilling our need for security and ensuring us that the tragic experiences of the past will not be repeated.

L. Greek Cypriots speak of their displaced persons and complain that under the Plan they would not be able to return to their homes left in the north. However, according to the Plan thousands of Turkish Cypriot ex-refugees would have to leave their homes once again paving the way for resettlement of the Greek Cypriots. On the other hand, it has come out that properties of the Turkish Cypriots in the south has been destroyed or expropriated by the Greek Cypriot administration. This would be a small price to pay as the separation of the Communities is the dominant factor in preventing intercommunal violence.

M. Greek Cypriots make missing persons a main issue of political exploitation. It is true that many Greek Cypriots went missing during the internal fighting between separate Greek Cypriot factions following the coup of 15 June 1974. It is true that additional Greek Cypriots went missing during the peace operation of 1974. But it is also true that almost all of the Greek Cypriot missing were soldiers lost in action. It needs to be stressed that the Turkish Cypriots have hundreds of missing who nearly all were savagely murdered women and children during the fateful years of 1963-74 at the hands of Greek Cypriots. Nevertheless, we respect the agony of the families of missing persons on both sides. And in line with that respect, Turkish Cypriot authorities took the initiative and "Missing Persons Committee" restarted its activities. As the Turkish Cypriot people we also want to determine the fate of our missing and if possible honour them with a proper burial. We do not, however, exploit this tragedy for political gain but only contribute to its solution. Our silence is not because we did not suffer but out of respect for the families who continue to suffer every time the issue is brought up without a solution.

N. Greek Cypriot side which rejected the UN plan has become a member of the EU, while the Turkish Cypriot side which has approved the plan has not only remained outside the EU but continues to be subjected to illegal restrictions and embargoes. We are disappointed to see that, initiatives of the European Union on helping Turkish Cypriots after referendum have been blocked by the Greek Cypriots. This is definitely contrary to the principles of the European Union. It is high time for EU member countries to take concrete steps towards lifting all the restrictions on the political, economic and social development of the Turkish Cypriot people. It is incumbent upon the United Kingdom as one of the three guarantor powers to take the lead in this respect and establish closer relations with the Turkish Cypriot side in all fields.

O. As the Turkish Cypriot Fighters Association we are for a peaceful negotiated settlement in Cyprus. Our Association had serious objections about the Annan Plan and lots of reasons existed in the minds of each and every Turkish Cypriot for rejecting the Plan, but the majority of Turkish Cypriots still accepted it as a compromise for a peaceful future for our youngsters. At this point, the Turkish Cypriot Fighters Association cannot and will not support any solution which is not based on political and sovereign equality, which does not ensure the continuation of the Treaty of Guarantee which will not ensure bi-zonality, and

provide the Turkish Cypriot people with their own state. As for the displaced, missing persons, right to property and other human rights aspects of the Cyprus question, they can only be settled on the basis of realities that will not cause new problems. We strongly believe that only such a solution can ensure lasting peace and security for both the Turkish Cypriots and the Greek Cypriots.

P. We believe the Greek Cypriot leadership will not deviate from its rejectionist stance unless it is made to understand that the Turkish Cypriot side is able to continue its existence and development without having to accept their illegal writ. It is for this reason that we are determined to protect and promote the Turkish Republic of Northern Cyprus until an agreeable solution is reached. In the name of a speedy and fair solution in Cyprus we call upon the world to support our full development in all fields which is the only way to overcome the present impasse intentionally created by the Greek Cypriot side.

*Vural Urkmen*

Chairman, Cyprus Turkish Fighters Association

5 November 2004

#### **Written evidence submitted by Turkish Cypriot Human Rights Committee**

With regard to the ongoing inquiry on Cyprus I wish to submit the attached memorandum on behalf of the members of our Organization. We have no doubt that the views and comments incorporated in our memorandum are shared by a large majority of the Turkish Cypriot people.

*Dervis Baha*

President

Turkish Cypriot Human Rights Committee

1. As of 1 May 2004, the Greek Cypriot Administration of Southern Cyprus is among the 10 new EU member countries.

2. The Greek Cypriot Administration which is accepted as an EU member does not represent the partnership State established between the Turkish Cypriots and Greek Cypriots in 1960. Since the forcible expulsion of the Turkish Cypriot side from the partnership Republic by the Greek Cypriot side in 1963, there has not been a single state, government or parliament with the right and authority to represent the island as a whole.

3. From 1963 to 1974, for 11 years, one of the serious cases of human rights violations in the history of humanity was experienced in Cyprus.

4. During the period, Turkish Cypriots were subjected to acts of violence by the Greek Cypriot side. Nearly 30,000 Turkish Cypriots were forced to flee from their homes and rendered refugees in enclaves with no freedom of movement and deprived of basic necessities to survive, Greek Cypriot paramilitaries, raided Turkish villages and towns. The armed campaign led to the destruction of 103 Turkish Cypriot villages along with all the mosques and holy places. Due to immense human suffering, thousands of Turkish Cypriots fled from the island. The Security Council discussed the situation and decided to dispatch a UN peace keeping force in March 1964. Long before the term ethnic cleansing was coined in connection with the Bosnia tragedy, it was practiced in Cyprus by Greek Cypriots against the Turkish Cypriots.

5. The 41-year-old continued occupation of the seat of Government of the once bi-communal partnership Republic of Cyprus by the Greek Cypriot partner since 1963, is the reason of the Turkish Cypriot isolation from the international arena and since then, Turkish Cypriots have been waiting a just and viable solution for their isolation to end.

6. Separate referenda on the Annan Plan were held on 24 April 2004 on both sides. The plan was approved by 65% at the Turkish Cypriot referendum. However, because of the Greek Cypriot rejection by 76%, the UN initiative ended in failure.

7. Despite the historical background and the significant sacrifices that the UN Secretary General's plan entailed for many of them, Turkish Cypriots said yes to the Annan Plan to facilitate the resolution of the Cyprus issue prior 1 May 2004 and enable the entry of a united Cyprus into the EU. Turkish Cypriots said yes to many compromises such as becoming refugees for the second or third time during their lifetimes by moving from their villages; leaving behind their properties that would fall within the territories to be handed over to the Greek Cypriots; giving most fertile lands such as Guzelyurt, which provides the water supplies of the North, to Greek Cypriots; accepting the withdrawal of Turkish Army in stages from the island which is perceived as the main source of deterrent against repetition of Greek Cypriot aggression; giving up their right to moral and material com.

8. With the referenda, Turkish Cypriot people, once again expressed their will in favour of a comprehensive settlement on the island based on bi-zonality and political equality of the two peoples. On the other hand, Greek Cypriots, with an overwhelming majority showed that they are not willing to enter into a power sharing arrangement with the Turkish Cypriots which they see only as a minority rather than the co-owner of the island. International community failed to condemn the negative attitude of Greek Cypriots who destroyed the partnership Republic in the past and rejected the comprehensive settlement plan of the UN Secretary General at present.

9. It is the Greek Cypriot rejection which stopped the entry of a united Cyprus into the EU and brought the problems of a divided conflict island upon the rest of the European family. Now, instead of accepting the responsibility of this undesired outcome and agreeing to compromise for its speedy correction, Greek Cypriot side started to use the benefits of its new membership to its full advantage.

10. Greek Cypriot side is vigorously trying to prevent EU openings towards Turkish Cypriots such as the direct trade and financial aid regulations by using their position as the internationally recognized "government of Cyprus" in a negative manner.

11. Greek Cypriot side is trying to use Turkey's EU accession process as a tool to achieve their main objective; to destroy our equal political rights and give Turkish Cypriots protected minority status in their homeland. Greek Cypriots are confident that if Turkey accepts its preconditions for furthering her membership process, it will be very easy to settle the Cyprus question as it wishes. In other words, the Greek Cypriots administration is using the Union to do away with those rights of the Turkish Cypriots which are the very principles the EU is founded on. We urge the EU member countries to stop the Greek Cypriot Administration from destroying our rights to freely exist, to rule ourselves through democratic principles, be represented at all international fora through our elected representatives, integrate with the world in all fields and exercise our right to separate will, which we have already used for a viable settlement.

12. It needs to be stressed that the Turkish Cypriot people are ready for a just settlement and unification in Cyprus. However, Turkish Cypriots are also determined to protect their right to political equality as well as the principles of bi-zonality and the continuation of the Treaty of Guarantee. Accordingly, Turkish Cypriot people cannot and shall not accept the authority of the so called "Republic of Cyprus" which has long been destroyed by the Greek Cypriot side. The Turkish Cypriot people have their own state. The fact that the Turkish Republic of Northern Cyprus is not recognized does not change the reality that a fully fledged democratic entity exists in North Cyprus. We are dedicated to our state which is the symbol of our right to make it as prosperous as possible and shall work towards its development until a new partnership based on full political and sovereign equality can be established.

13. It is obvious that unless the Greek Cypriot side comes to terms with the foregoing realities, it will not be possible to reach a mutually acceptable solution in Cyprus. We, therefore, call upon the European Union to support our economic, political, social and cultural development so that the Greek Cypriot side can finally acknowledge that there exist an equal people with same rights and freedoms as their counterparts. There is no doubt that only then the Greek Cypriot side shall be ready for a negotiated settlement.

14. Greek Cypriots are portraying the issues of refugees, property rights and missing persons as human rights violations affecting only them. These humane questions are not violations but problems common to both peoples of the island which arose as a result of their violent efforts to dominate Cyprus. Annan Plan brought realistic and feasible solutions to these issues in line with human rights and freedoms. However, the Greek Cypriot side refused the Plan eliminating the chances of a solution. Now, they are trying to exploit their EU membership to force upon each and every Greek Cypriot that the Turkish Cypriot rights and needs do not exist.

15. The Greek Cypriot side demands that all Greek Cypriot property in the North should be returned at the cost of the rights of the present inhabitants. This is despite the fact that most of them are Turkish Cypriot refugees who had no option but to flee their homes, establishing and investing in a new life in the TRNC. Greek Cypriots demand that all Greek Cypriots displaced should return to their past places of residence. Is it just to almost punish the Turkish Cypriots who will have to empty those places and restart a new life again? It is a known fact that the rehabilitation of ill Greek Cypriots displaced have long been completed. Greek Cypriot insistence on this issue is nothing but exploiting human rights for political gain. Surely, the principle of the right to return does not dictate the victimization of thousands of people for political considerations. As for missing persons, we urge the Greek Cypriot leadership to stop its political exploitation and to start cooperating for a speedy and realistic solution of this humanitarian subject.

16. It is not easy to solve complex questions with many humane dimensions to the full benefit of all concerned. Naturally, it is impossible to solve them to the full benefit of only one party. If the Greek Cypriot side does not acknowledge this reality and start co-operating with us for a negotiated solution, it is obvious that a hard period awaits us all, including the European Union. It is high time the EU makes it clear to the Greek Cypriot side that EU norms and principles do not and shall not provide the basis for its superior rule of the island but calls for a just and lasting compromised settlement in Cyprus. The immediate unconditional lifting of all restrictions on North Cyprus is the only way to contribute to the resolution of the Cyprus question. To that end, bold actions are necessary on part of EU member states. We hope and trust that the United Kingdom shall not hesitate to take the lead.

Turkish Cypriot Human Rights Committee

9 November 2004

### Written evidence submitted by TRNC Human Rights Association

I have the honour to submit my views and comments herewith on the Cyprus Question in connection with the inquiry on Cyprus. I am sure that our submission shall duly be taken into account by your esteemed Committee.

Please accept the assurances of our highest consideration.

*Hasan Yılmaz Isık*  
President

#### VIEWS AND COMMENTS ON THE CYPRUS QUESTION

1. The Cyprus conflict which has been continuing for 41 years is once again on the agenda. Another negotiation process failed because of the intransigent stance of the Greek Cypriot side. However, the Greek Cypriots were allowed to join the European Union on behalf of the whole island. Turkish Cypriots are still prevented from freely integrating with the rest of the world in spite of saying “yes” to the Plan. As the Turkish Cypriot people we are very disappointed by the circumstances we are subjected to.

2. The Turkish Cypriot people wish to integrate with the world and expect the lifting of all restrictions on transport, overseas trade, direct flights to Ercan Airport etc as promised by the international community. As the reunification of Cyprus was prevented by Greek Cypriots which lead to our being kept out of the EU, our goodwill should receive concrete openings from the international community. We deserve to freely travel, trade, enter into social, cultural and sporting activities with other nations and exercise our right to speak and act on our own behalf. Depriving us from our basic human rights because of political considerations runs contrary to human rights and freedoms and the democratic principles of the EU.

3. It should now be acknowledged that; Cyprus is the common home of Turkish Cypriots and Greek Cypriots who have equal rights over the island; there exist two democratic entities; each side represents its own people and no one else; neither of the parties can claim authority or jurisdiction over the other and there is no basis whatsoever for the unjust embargoes inflicted upon the Turkish Cypriot people. The fact that the Greek Cypriot administration is recognized as the “Republic of Cyprus” does not change these realities.

4. The separate simultaneous referenda proved that the Turkish Cypriot side is for a bi-zonal settlement based on political equality. The world applauded Turkish Cypriot stance and declared that the decades old injustice should be undone. Unfortunately, more than six months have passed since the referenda and there is no developments in the status of Turkish Cypriots. We wish to bring the following views and considerations to your kind attention and hope that they will duly be taken into account during your deliberations on Cyprus.

5. Greek Cypriot administration does not represent the Turkish Cypriot people. It entered the EU on behalf of the whole island but this is not the reality. EU has a divided island as a member not because of us or Turkey but because of Greek Cypriot referendum result. No one should expect us to give up our equality and accept Greek Cypriot domination to become part of EU. We want to join the EU and desire a lasting settlement. We strongly believe that holding back our full integration with the EU until after a negotiated settlement runs contrary to all the norms and principles of the Union itself.

6. The isolation of the Turkish Cypriot people must end. Turkish Cypriot people have done what was expected of them and voted for reunification. The fact that this did not happen is not their fault. However, they are still being punished. The UN Secretary-General asked for our unnecessary isolation to end. We call upon the EU to act on this call and establish direct relations with the North. It is against human rights and principles to stop Turkish Cypriots from having direct trade and contact with the rest of the world simply because their state is not recognized. We urge EU member countries to decide on and implement concrete measures to end this unjust situation.

7. Greek Cypriot isolation policies became stronger with its EU membership. The Free Trade Regulation and Financial Assistance Regulation prepared by the EU as an opening for the Turkish Cypriots are being prevented by the Greek Cypriot administration. Greek Cypriot leadership is using all means to ensure that the Turkish Cypriot people have no choice but to accept all its demands to be rid of the unjust embargoes imposed at its instigation. The EU should not allow Greek Cypriot blackmail to prevail.

8. The solution of the Cyprus question can only come about with a negotiated settlement. Turkish Cypriot people are ready for a lasting settlement based on bi-zonality and complete equality. However, we shall not bow to Greek Cypriot pressure and give up our rights and freedoms in the name of a solution. It is the responsibility of the EU to stand in the way of Greek Cypriot efforts to use their EU member status to impose their unjust demands on certain aspects of the Cyprus question, most of which involve complex human rights questions.

9. The issues of property and displaced are very crucial and complex. The property issue has to be evaluated on a realistic and logical basis. In the case of Cyprus, it is simply not possible to settle this problem by globally applying the right to property on the basis of return. This reality was once again proven with the Arif Mustafa’s case. A Turkish Cypriot named Arif Mustafa has recently applied to Greek Cypriot courts to get his properties in the South. The court decided in favour of Mustafa and ordered the immediate

evacuation of his house in Limassol. However, the family living in his house turned out to be ex-refugees themselves and a serious debate started in South Cyprus. Some supported the Court decision saying that the property issue was political and the decision was in line with the Greek Cypriot policy on this subject. Others opposed the decision arguing that it was against human rights to make the family lose their house once again.

10. This ongoing debate projects the dilemma surrounding the property issue. It is very easy to demand that all Greek Cypriot property in the North and all Turkish Cypriot property in the South are returned to their original owners. However, it is not easy to implement this demand regardless of the suffering that shall be inflicted upon the people who had been living in or making use of that property for over 30 years. It is for this reason that the Turkish Cypriot side insisted on solving this issue through compensation and/or global exchange.

11. Greek Cypriot insistence that all displaced should have the right to return to their original places of residence is also an unrealistic demand. The principle of bi-zonality has been mutually accepted since 1977 and has been one of the main principles of the UN negotiating process. It is a vital security need for the Turkish Cypriots that bi-zonality is protected in a future solution. It is impossible to preserve bi-zonality and provide for the return of all refugees at the same time.

12. The Annan Plan offered a compromise solution on property based on return and/or compensation. The plan also involved the return of a considerable amount of land to Greek Cypriots in order to provide for the return of thousands of Greek Cypriot refugees. This meant that hundreds of Turkish Cypriots would have to give up their houses and workplaces once again and thousands more would become refugees for the third or fourth time. Turkish Cypriot people agreed to sacrifice in the name of a durable solution but the Greek Cypriot side refused the Annan Plan.

13. Greek Cypriot leadership is still insisting on the solution of the property issue on the basis of return despite the fact that only the case of Arif Mustafa is still to be finalized in South Cyprus. It is high time the Greek Cypriot side agrees to a realistic solution of the property issue so that thousands of complex cases do not come before the local and European courts making the overall solution of the Cyprus question impossible. Moreover, Greek Cypriot side is saying that it is committed to a bi-zonal solution but also promises its people that all displaced shall return to their former residences. Greek Cypriot leadership should reveal the fact that bi-zonality which is a mutually accepted principle of a future solution does not provide for the return of all refugees. Only then the Greek Cypriot people shall be ready for a realistic solution in Cyprus.

14. Another humanitarian issue is the situation of the so called settlers. It is a fact that thousands of Turkish citizens migrated to North Cyprus over the years due to the need for work force. It is also a fact that thousands of Greek citizens and Pontian Greeks migrated to South Cyprus under similar circumstances. Most of these people naturally acquired the right to permanent stay and /or citizenship after they completed the necessary period of residence. Greek Cypriot leadership argues that the Turkish mainlanders should return as they have been implanted to change the demographic structure of Cyprus. If this mentality was accepted, then mainland Greeks and Pontian Greeks were also intentionally implanted to alter the demographic structure.

15. It is simply against human rights to exploit the situation of migrants for political gain. We call for a fair and just solution of this humanitarian issue on the basis of equal treatment. The status of the so-called settlers on both parts of the island needs to be solved through applying the same international norms and principles for all "settlers" in Cyprus regardless of their origin or place of residence. Turkish people from Turkey, Greeks from Greece and Pontian Greeks from different countries all have equal human rights and freedoms which should be respected within the framework of an overall solution in Cyprus.

16. The Turkish Cypriot people have been suffering from the missing persons issue since 1958. There are hundreds of Turkish Cypriot missing and this humanitarian problem is not particular to Greek Cypriots. Families of the missing on both sides expect and deserve a fast solution of this painful subject. Greek Cypriot leadership has been utilizing this humanitarian subject and refusing to accept the fact that hundreds of Greek Cypriots listed as missing were in fact known to have been killed in action. It is the responsibility of the Greek Cypriot side to come clean and acknowledge this reality as well as the fact that all Turkish Cypriot missing are civilians. We only hope that the new initiative which started at the instigation of the Turkish Cypriot side shall finally lead to the permanent solution of this humanitarian subject.

17. It is high time the Greek Cypriot side acknowledges the fact that human rights and freedoms, in general, are not there as a political tool but to protect people from discrimination and unfair treatment. It is the responsibility of the international community to end the most damaging human rights violation in Cyprus and lift the embargoes and restrictions on the Turkish Cypriot people. A political solution in Cyprus also depends on this crucial step which is the only way to bring overall Turkish Cypriot development to the same level as Greek Cypriots and open the way for reunification.

*Hasan Y Isik*  
President of the Association

10 November 2004

### Written evidence submitted by the All-Party Group for the Turkish Republic of Northern Cyprus

Notes on the visit of All Party Parliamentary “Friends of Northern Cyprus” Group to Turkish Northern Cyprus from the 12 November to 19 November 2004.

The six Delegates, led by Baroness Knight, had an extremely friendly and instructive week; hospitality was generous and greatly appreciated. The facts and discussions led to an awareness that the Northern Cypriots are being increasingly disillusioned after the great expectations provided by the Annan Plan which have not materialised; their isolation has, in fact, increased. There are increased problems with visas for entry to the south and with work permits. The Greek Cypriots are using their new position as members of the European Union (EU) to make life even more difficult for the TRNC. For instance, a group of teachers arrived in England with full arrangements for teaching posts, but were required to return as they had not obtained the EU visas newly required.

On the other hand there is a lifting of the ban for UK residents in TRNC to enter the UK Sovereign Base in Northern Cyprus in contrast to the problems imposed on travellers and others wanting to work in the UK.

The situation in Northern Cyprus has resulted in disillusionment which appeared to the Delegates to be producing a drift away in the support for the Prime Minister (Mr Talat), who had urged them to say “yes” to the Referendum.

During their visit the six delegates were able to see divergent areas of Northern Cyprus including Famagusta, with neighbouring Varosha, the University of the Eastern Mediterranean, followed by a drive along the Karpaz area (Pan Handle) to the furthest eastern tip of the island. To the west, a journey to the crumbling villages in the declining citrus growing area of Guzelyurt revealed the Turkish dam providing irrigation is being starved of water by the Greeks on the other side of the border.

The Delegates met H.E. the President of TRNC, had meetings with the Prime Minister, Deputy Prime Minister, the Speaker of the Parliament, the Minister of Finance and Tourism, the British High Commissioner, the Chairman of the Chamber of Commerce, members of the Chamber of Industry and several Members of Parliament. The parties for the celebration of the 25th Anniversary of the Independence of TRNC (15 November) provided opportunities for discussion with many influential Turkish Cypriots.

In the commercial and industrial spheres problems have increased. Business men need to purchase visas for themselves and their families to stay in the UK whereas the Greek Cypriots are allowed free entry. For example, a fixed year visa for a family of four costs £360—a high price in TRNC economic terms.

At the same time the British Consulate in Cyprus needs to be congratulated for successfully collaborating with the organisation which can invest EU funds into Northern Cyprus without using (as in the past) the Greek Cypriot Office. The EU has established an office in Salonika for this funding. Unfortunately the Delegates heard the disquiet of the Minister of Finance and Tourism as he had been told that a feasibility study for the needs of TRNC had been commissioned by the EU’s office without any reference to the Government of Northern Cyprus.

It was clear to the Delegates that the isolation of the Turkish Cypriots is being increased at the discussions in Brussels, due to a delay of several months to date (November 2004) in providing a work permit for the new nominee from TRNC. This nominee’s placement is welcomed and crucial, especially as it appears to be a positive “break through” for the Northern Cypriots.

Whilst the EU is anxious to improve relations between the North and South by increasing trade between both sectors, the Chamber of Commerce gave several examples of serious non-co-operation, for example:

1. Produce or manufactured goods from the North weighing more than 2 tons are refused entry to the South. A further vehicle is required making costs prohibitive.
2. Turkish workers in the South are paid less than Greeks doing the same jobs.
3. Greek Cypriots are restricted by border guards from bringing back purchases from the North, even additional petrol in the family car.
4. Failure to agree on direct flights into TRNC is having a negative impact on the political view of Turkish Cypriots disappointed by the failure of the Annan plan, and a serious impact on tourism and on commerce,
5. Exports of citrus fruits from TRNC are still banned by Greek Cypriots.
6. Turkish Delight can only be sold in Southern Cyprus if it is re-named “Cyprus Delight”!

The Delegates warmly welcome the news that representatives from the USA have recently visited Ercan Airport to establish its viability to commence flights directly from USA.

The University of the Eastern Mediterranean is having difficulty in collaborating with overseas universities and is aware that Greek influence is being used to undermine their progress.

On the other hand, the Rector was glad to tell us some exchange of academic teaching was taking place with the University of Southern Cyprus. Professors on both sides were pleased to co-operate, with some minor restrictions in travel for the Northern Cypriots who were required to go through Nicosia. The overall picture at the University was hopeful; the academic staff and young people want to collaborate. Embargoes on travel and communication should clearly be lifted in the interests of academic freedom, an essential in a free world.

In conclusion: The Delegates were aware of the seeping away of support for Prime Minister Talat, due to severe disappointment at the collapse of the Annan Plan. A new game-plan is required to safeguard the rights of the Turkish Cypriots. A persistent progress through the EU channels and using the Parliamentary system in the UK should be used to enable public recognition of these anomalies to be part of the process of rectifying the situation.

Delegates

*The Baroness Knight*

*Lord Killelooney*

*Lord Rogan*

*Lord Maginnis*

*Mr Ben Chapman*

*The Lady Butterworth*

20 November 2004

### Written evidence submitted by Lobby for Cyprus

#### INTRODUCTION

1. Lobby for Cyprus ("Lobby") welcomes the opportunity to make this submission to the Foreign Affairs Committee of the House of Commons ("the FAC") and would further welcome the opportunity to be heard at any oral evidence sessions.

2. Lobby is the voice of Greek Cypriot refugees in the United Kingdom ("UK") and is well known to decision makers in London and Brussels. It is a non-party political organisation drawing its membership from the refugee municipality and village associations based in the UK. In addition Lobby has hundreds of individual members. Amongst the refugee associations are those of Akanthou, Ayios Amvrosios, Famagusta, Lapithos and Karavas, Leonariso, Mandres, Rizokarpasso, Ayia Triada, Eftakomi, Lefkoniko and many more.

3. Lobby also has close links with the academic community both in the UK and Cyprus and has organised many conferences and seminars on the Cyprus issue during the last 10 years. One such conference, on the Annan Plan, took place in London on 18 March 2004 and the discussions were printed in a book entitled "the case against the Annan Plan." Copies of this book have already been sent at the request of the Chairman of the FAC to its members. For further details relating to the Annan Plan, please refer to this book.

4. Individual members of Lobby have also been involved in bringing legal proceedings against the government of the Republic of Turkey before the European Court of Human Rights ("ECHR") and Lobby worked with the legal team of Titina Loizidou in bringing, and winning, these significant proceedings.

5. More information about Lobby can be downloaded from its web site at [www.lobbyforcyprus.org](http://www.lobbyforcyprus.org)

#### *The Three R's*

6. Lobby was set up to campaign for the restoration of the basic human rights of its members and in direct response to a forerunner of the Annan Plan, the 1992 Ghali Set of Ideas. Since 1992 it has argued against any solution to the Cyprus issue based on apartheid and ethnic separation whether this is characterised as a federation, confederation or even a partition.

7. Early in its campaigning, Lobby adopted the objective of seeking the re-unification of Cyprus and the restoration of the human rights of its members. The cornerstones of this campaign strategy are the now well-known "three R's". These are the:—

- Removal of all occupying Turkish troops from Cyprus
- Repatriation (humanely but compulsorily) of all Turkish colonists
- Return of all refugees to their homes without restriction or pre-condition.

8. Lobby's demands as will be explained later in this submission, are all based on sound legal principles and fully reflect the basic human rights of our members. Lobby seeks nothing more, and nothing less than that.

9. Over the years the logic of these arguments has come to be recognised. It will not have escaped the notice of the FAC that all three of the 3R's are to some extent contained within the final version of the Annan Plan. Regrettably these basic human rights were very heavily qualified and watered down rendering the rights conferred almost meaningless. This resulted in Lobby firmly opposing the Annan Plan.

10. Lobby and its members wish to make it clear that they earnestly wish to see Cyprus re-united. However it was felt that the Annan Plan was far more likely to cement the partition of the island along ethnic lines rather than re-unify it, and that it had been deliberately drafted to achieve this. 76% of Greek Cypriot voters agreed with Lobby's analysis.



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*Rejection of the Annan Plan*

11. Since 1992 a series of attempts to produce a solution to the Cyprus issue on the basis of a bi-zonal, bi-communal federation have been put forward. The Annan Plan was simply the most recent version. However, crucially, on this occasion the United Nations (“UN”) arrogated to itself the right to produce the final version of the Plan and this was then to be submitted to separate and simultaneous referenda in both the Greek and Turkish Cypriot communities.

12. As the FAC knows in these referenda Turkish Cypriots voted in support of the Annan Plan, whilst Greek Cypriots voted heavily against it. During the negotiations on the Annan Plan and in the run up to the referenda Lobby undertook a leading role in co-ordinating the Greek Cypriot refugee opposition to the Annan Plan, in the UK. Representatives from Lobby also visited Cyprus to support the campaign against the Plan, there. Yet it must not be forgotten that it is primarily the Greek Cypriot refugees, that stand to gain the most from the re-unification of the island and they fervently desire a just solution to the division of Cyprus. Clearly therefore, their decision to reject the Annan Plan must have come as a surprise to some and the reasons for this overwhelming rejection need to be explained.

13. Greek Cypriots believe that the overriding philosophy behind the drafting and the reason for imposing the fifth and final version of the Annan Plan in this way arose from the wishes of the United States (“US”) and the UK to facilitate Turkey’s entry into the European Union (“EU”). In doing so it was necessary to solve the Cyprus issue once and for all but a way had to be found to secure domestic Turkish support for this. US and UK objectives were therefore focussed on appeasing Turkey and in ensuring that any solution achieved most of the objectives demanded by Turkey’s negotiators, even if in doing so the basic tenets of human rights and international law were trampled upon. A positive vote by Turkish Cypriots with the encouragement of Turkey would obviously improve Turkey’s international standing at a time when it is desperate to achieve international credibility as a suitable member of the EU. Of course in December 2004 the EU will decide whether accession discussions should begin with Turkey at all.

14. In pandering in this way to Turkey those pushing for the Annan Plan as the preferred solution to the Cyprus issue chose to trample upon the fundamental human rights of Greek Cypriots, human rights, which have been vindicated before the ECHR time and time again. They also completely disregarded the fact that an EU candidate country, Turkey, had been in illegal occupation of 37% of the territory of a country about to join the EU. As will be made clear later the legal basis for Turkey’s invasion in 1974 was very spurious and there is absolutely no justification for the ethnic cleansing carried out in 1974 nor the subsequent campaigns of cultural destruction, ethnic re-engineering and continuing occupation of the north of Cyprus (“the Occupied Area”), all of which have been well documented by the UN, EU and the Council of Europe.

15. Those pushing for acceptance of the Annan Plan chose to turn a blind eye to the continuing levels of bitterness and pain still felt by Greek Cypriots regarding the events of 1974. They failed to understand that any agreement by Greek Cypriots to compromise their human rights within the give and take of a negotiation could only go so far. Quite simply those seeking Greek Cypriot complicity in the Annan Plan completely miscalculated (not for the first time) and assumed incorrectly that Greek Cypriots would be prepared to sign anything. Greek Cypriots have however learnt the lessons of the 1960 settlement and also the 1959 Zurich/London agreements, upon which it was based. They understood that a bad solution would be far worse than no solution at all.

16. Lobby has repeatedly pointed out to the UK Government directly and also via its previous special representative on Cyprus, Lord Hannay, that there were basic fundamental deficiencies in the philosophy and drafting of the Annan Plan. Had these warnings been heeded the rejection by the Greek Cypriot voters on April 24, 2004 could have been avoided. Unfortunately the UK Government pursued a policy of hearing only that which it wanted to hear and in the circumstances the results in the referenda are hardly surprising.

17. There are many deficiencies with the Annan Plan. There are set out below just a few of the more serious ones:

- The Turkish Cypriot minority of 18% of the population was to be allowed to retain 30% of the territory of the island. Only seven% of territory was to be returned to the Greek Cypriots thus apparently legitimising the occupation of the remaining 30% of the island and rewarding the military invasion and ethnic cleansing committed by Turkey in 1974.
- Fundamental freedoms of movement, residence and ownership were to be denied. This was notwithstanding Cyprus’ status as an EU member state and that these are fundamental freedoms of the EU. As a consequence of these restrictions Greek Cypriots were denied owning property in the Occupied Area or living within certain ethnically pure zones of their own country. By contrast all other EU citizens would have these freedoms in the Occupied Area. Such discrimination on grounds of race would effectively have created a legalised apartheid system and the UK Government, as a representative of a multi-cultural society in the UK, should be ashamed to support apartheid within another EU member state.
- The fundamental human rights of the Greek Cypriot refugees to return to their stolen homes were to be abrogated forever. More than 100,000 refugees would not have been allowed to return to their homes. Those allowed to return would have been subjected to severe restrictions, controls and lengthy timescales—in some cases up to 19 years, which would make their return as troublesome as possible. Furthermore their return would be largely dependant on the staged withdrawal of

Turkish occupying forces, with no guarantee that these forces would ever leave. Given Turkey's appalling record in adhering to its treaty obligations it is hardly surprising that Greek Cypriots felt the need for further re-assurance.

- Property issues were to be administered in a manner that was utterly at odds with the existing decisions of the ECHR. For example, cases brought by Greek Cypriots against Turkey and pending before the ECHR were to be struck out and the new United Cyprus Republic would instead become the responsible State party. This created the ludicrous situation that the Greek Cypriot tax-payers in Cyprus would therefore be forced to compensate themselves for Turkey's human rights violations! The ECHR has found Turkey guilty of numerous breaches of human rights in several cases and has specifically declared that the Greek Cypriots remain the only legitimate owners of their title deeds to properties in the north (*Loizidou v Turkey* (1998)). This attempt to disregard and ignore the clear case law of the ECHR represents a massive embarrassment to those representatives of the British Government involved in lobbying for the Annan Plan.
- The Greek Cypriot National Guard was to be disbanded but 6,000 Turkish troops were to be permitted to remain on the island until at least 2011, and 3,000 were to remain until 2018 or Turkey's accession to the EU. This in itself was an infringement of the sovereignty of the Republic of Cyprus and a major security concern. As is well known Turkey possesses one of the best equipped armies in the world, although it has usually been deployed against ethnic minorities within its own borders or the comparatively tiny Greek Cypriot population in Cyprus. Cyprus would have become the only country in the EU with foreign non-EU troops on her soil with a right to intervene in her affairs. In addition the provisions of the Treaty of Alliance 1960, permitting a Turkish military presence on Cyprus, would continue indefinitely. As it is, Turkey is now in the invidious position of seeking membership of the EU whilst simultaneously being in illegal occupation of 37% of the territory of an existing EU member state! In 1974, following the Turkish invasion of Cyprus, the then Foreign Secretary Jim Callaghan stated that "Cyprus is for the moment the prisoner of Turkey but one day Turkey will become the prisoner of Cyprus". His words may yet prove prophetic.
- The vast majority of the 120,000 Turkish colonists (illegal settlers) sent to Cyprus to engineer a change in the ethnic balance on the island would remain. There are already serious tensions between them and the indigenous Turkish Cypriots on the island and it is hard to see how if they are unable to co-exist harmoniously with Turkish Cypriots, they will be able to do so with Greek Cypriots.
- The proposed constitution created a very loose confederation in the guise of power sharing in the form of a federation. The sovereignty of the government of the Republic of Cyprus would be further eroded both by allowing foreign intervention in its affairs by Turkey (the former invading and occupying power) and by providing for mandatory places on the Supreme Court and in the Central Bank for non-Cypriots. What other EU member state would accept such provisions? As UK citizens the members of Lobby are sure that Parliament would never sanction foreign representation in the highest court of the land for example.
- Notwithstanding the continued occupation of Cyprus by Turkey during the last 30 years and the human rights abuses committed by Turkey against Greek Cypriots, Cyprus would have been obliged to support Turkey's accession to the EU. This represents a fetter on the power of a sovereign state to decide for itself how it wishes to exercise its authority. No other EU member state would accept being told that it had to support Turkey's accession. Why should Cyprus be any different?
- Cyprus would have had to agree to a protocol to the Treaty of Guarantee of 1960 (which Turkey used as a pretext for its invasion and occupation of 1974) by which Turkey would be granted "enhanced" (as stated by the US Ambassador in Nicosia) rights of military intervention in the affairs of Cyprus. The Treaty of Guarantee was already an anathema to Greek Cypriots; under the Annan Plan it was strengthened, something hardly likely to win support amongst Greek Cypriots.

18. United Nations Secretary General Kofi Annan stated in a television address to all Cypriots on 21 April 2004 that "there was no magic way of accommodating the maximum demands of one side while accommodating the maximum demands of the other." We agree with this view but by accommodating the near maximum demands of Turkey the resulting rejection by the Greek Cypriots should have been expected and anticipated.

19. Had the Annan plan been approved then this would have created a very dangerous precedent in international law; a new sovereign state would have been created as a result of an unlawful invasion and subsequent campaign of ethnic cleansing.

20. Accordingly the rejection of the Annan Plan was a positive step for supporters of human rights worldwide and sent the message that ethnic cleansing cannot be legitimised. Greek Cypriots have been villified for their refusal to accept the Annan Plan. In the circumstances it would have been national suicide to do anything else and they should be applauded for having the courage to take a principled line.

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*Legal relations with the Occupied Area of Cyprus*

21. Lobby believes that it would assist the FAC to be reminded of the legal basis upon which the Republic of Cyprus was established. Article 1 of the Treaty of Establishment 1960 provided that “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 . . . which shall remain under the sovereignty of the UK.”

22. A number of important provisions were also contained within Articles I and II of the Treaty of Guarantee.

23. Article I provides that “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. It accordingly declares prohibited any activity likely to promote, directly or indirectly, either union with any other State or partition of the Island.”

24. Article II provides that “Greece, Turkey and the UK, taking note of the undertakings of the Republic of Cyprus set out in Article I of the present Treaty, recognise and guarantee the independence, territorial integrity and security of the Republic of Cyprus, and also the state of affairs established by the Basic Articles of its Constitution”.

25. It further provides that “Greece, Turkey and the UK likewise undertake to prohibit, so far as concerns them, any activity aimed at promoting, directly or indirectly, either union of Cyprus with any other State or partition of the Island.”

26. In Article IV of the Treaty of Guarantee it is stated that “In the event of a breach of the provisions of the present Treaty, Greece, Turkey and the UK undertake to consult together with respect to the representations 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.”

27. Notwithstanding the provisions of the Treaty of Establishment, the Treaty of Guarantee and Article 2(4) of the UN Charter, the latter of which prohibits the threat or use of force by states in the conduct of their international relations, Turkey invaded the northern areas of the Republic in 1974 and, since then, has subjected them to military occupation, cultural destruction and ethnic re-engineering.

28. By invading the Republic, Turkey not only violated the principles upon which the UN was founded and the Republic was established, Turkey also violated the international laws of armed conflict as Turkish forces targeted civilians by, inter alia, bombing residential homes, schools and hospitals. Turkish military forces ruthlessly ethnically cleansed the northern areas of the Republic, which in common with the Republic as a whole, had been populated by a Greek Cypriot majority and a Turkish Cypriot minority.

29. At the same time, the Turkish Cypriots living in the southern areas of the Republic moved to the areas under Turkish military occupation either directly or, with the consent of the then UK government, via the UK Sovereign Base Areas. Contrary to the impression of many people in the UK, and possibly to the members of the FAC, Turkish Cypriots did not constitute a majority in the northern areas of the Republic until 1974, Greeks Cypriots did. Nor did Turkish Cypriots lawfully own a majority of the properties in the Occupied Area prior to 1974; Greeks Cypriots did and under the case law of the ECHR this remains the case.

30. Accordingly, the Republic has been partitioned on a de facto basis and along ethnic lines since 1974 and the guarantor powers, including the UK, have self-evidently failed to honour their obligations under the Treaty of Guarantee to “recognise and guarantee the independence, territorial integrity and security of the Republic of Cyprus”.

31. In 1983, the leadership of the Turkish Cypriot community, following the strategy previously adopted in 1965 by the white minority in Southern Rhodesia, purportedly made a “unilateral declaration of independence”. The Turkish Cypriot UDI suffered the same fate as that of Southern Rhodesia and was denounced as illegal. The so-called “Turkish Republic of Northern Cyprus” remains an illegal regime and has become a haven for fugitives from justice and other criminals because of its pariah status.

32. In response to this declaration, two UN Resolutions were passed, UN Resolutions 541 and 550 respectively, which deplored the declaration by the Turkish Cypriot authorities and called for the withdrawal of the UDI. The UN also called upon all states “to respect the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus” and called upon all States “not to recognise any Cypriot State other than the Republic of Cyprus.” The status quo remains unchanged.

33. Turkey is still in illegal occupation of northern Cyprus and 40,000 Turkish troops are stationed on the island. The ECHR in the decision of *Loizidou v Turkey* [1996] 23 EHRR 513 confirmed that Turkey was in “effective control” of the northern part of the island as its troops were in occupation. It also confirmed that there was a continuing breach of the human right to peaceful enjoyment of one’s property under Article 1 of Protocol 1 of the European Convention on Human Rights. The ECHR has recently confirmed this decision in *Cyprus v Turkey* [2001] 1 BHRC 45 and in *Eugenia Michaelidou Developments Ltd and another v Turkey* [2003] ECHR 16163/90. The continued denial of access to property was a continuing violation” by virtue of the fact that Greek-Cypriot owners of property in northern Cyprus were being denied access to and control, use and enjoyment of their property as well as any compensation for the interference with their property rights.”

34. Additionally, in the recent decision of *Demades v Turkey* [2003] ECHR 16219/90, the ECHR held that there was a continuing violation of right to respect for one's home under Article 8 of the Convention by way of "the complete denial of the right of Greek-Cypriot displaced persons to respect for their homes in northern Cyprus since 1974, . . . as . . . displaced persons they were unable to apply to the authorities to reoccupy their homes which they had left behind." The position has not changed.

35. At the present time the EU has approved funding for Turkish Cypriots. There is the very real risk that any EU funding given to the Occupied Area will be used to enhance stolen properties in the hope that if a plan similar to Annan is implemented, the current occupiers will be allowed to keep the properties because they have enhanced them substantially. Given that the Republic of Cyprus is the only legitimate government of the island, Lobby submits that any EU funding should be channelled through that government which is the only legally recognised government of Cyprus. We urge the FAC to recommend to the UK government to act consistently with international law and ensures that trade with Turkish Cypriots and funding be channelled through the Republic of Cyprus official authorities.

36. Additionally, decisions of the European Court of Justice, such as *R v Minister of Agriculture, Fisheries and Food, ex parte S.P. Anastasiou (Pissouri) Ltd and others* [1994] ECR I-3087, clearly provide that it is illegal to export goods from the occupied area to Member States without the appropriate certificates issued by the Republic of Cyprus rather than certificates issued by the Turkish community in the Occupied Area. Any policy promoting such export by the Occupied Area would be contrary to EU law.

37. The northern part of the island is still illegally occupied territory, which is not recognised by any country other than Turkey. This position has not changed despite Greek Cypriot rejection of the Annan Plan. The international community, including the EU, should continue to strive for a workable fair and just settlement, which complies with EU law, international law and UN Security Council resolutions.

38. In our view therefore there should be no further support given by the UK government to the illegal regime in the Occupied Area. Indeed the UK government should do more to respect the clear legal position under international law. For example, legal action should be taken against companies seeking to sell Greek Cypriot owned properties to gullible UK based citizens, who are in current danger of being sued for trespass by the legitimate owners or of losing what they consider as their properties in the event a solution. Parliament would not be doing its job in acting in the best interests of the public in the UK if it continues to allow the flagrant advertising for sale and the actual sale by UK based companies of stolen Greek Cypriot property to UK citizens. The UK government should also take a firmer line with Turkey and even at this late stage try to uphold its treaty obligations to the people of Cyprus.

#### *What type of solution would be in UK's interests*

39. As a UK based organisation and with a membership consisting of UK citizens, Lobby believes it is well placed to offer guidance to the FAC on what the UK government should look for in any Cyprus settlement and what would be in the interests of the UK population. Mistakes have been made in the past, by all sides, but there is an opportunity now to look afresh at what factors should underpin a Cyprus settlement. Lobby looks favourably upon this review by the FAC and believes that the findings of the FAC could enable the UK government to finally work towards an ethical foreign policy on Cyprus based on respect for international law and human rights. This is regrettably something, which successive UK governments have lamentably failed to do since 1974.

40. To begin with it is critical to British interests that any solution in Cyprus complies fully with existing international law. This means that the territorial integrity of the Republic must be respected and no steps taken now or as part of any settlement to compromise this by directly or indirectly recognising the pseudo "state" created as a result of military invasion and ethnic cleansing. To do so would set a very unhappy precedent in international law. One wonders whether such a state of affairs would have been permitted in the Balkans or elsewhere in the Middle East. If Greek Cypriot confidence in the UK as an honest broker in any negotiations is to be revived then it will be necessary to respect the legal rights of all concerned.

41. It would also not be in UK interests for there to be a settlement which remained open to perpetual legal challenge. Certainty is critical if any Cyprus settlement is to have a realistic chance of success. However, this can only happen if existing fundamental human and legal rights are respected, retained and enforced. So for example Greek Cypriot property ownership in the Occupied Area must be recognised and a clear statement made by the Foreign Office about land ownership in the Occupied Area. One of the main defects in the Annan Plan was the compulsory requirement that in areas not subject to territorial adjustment most Greek Cypriots would be forced into accepting compensation or property exchanges. Any solution in the future must start off with the premise that the pre-1974 property ownership should be respected. Should Greek or Turkish Cypriots then wish to sell or lease their property so be it. But to force upon them property exchanges or compensation without any choice in the matter will lead to continual litigation before courts in Cyprus, the UK and in Europe.

42. There must also be full respect for the freedoms of movement and ownership within the island. It is a legal nonsense for the United Kingdom to canvass hard for a solution that so severely curtails these freedoms within another member state. The UK Government must respect the fundamental rights of the

EU of which it is a member. If the Republic of Cyprus is fit enough to join the EU it deserves the full benefits. Once again any solution lacking these freedoms will be continually legally challenged bringing uncertainty and chaos to the viability of any settlement.

43. The procedural steps taken to put the Annan Plan before the respective electorates were wholly inadequate. It is perhaps not known in the UK that the full version of the documents upon which the Greek Cypriots were expected to vote was not made available on the UN website until a few minutes before midnight on 23/24 April, a mere seven hours before the polls opened. The period between the Greek Cypriots being told in the broadest outline what was contained within the final authenticated version of the Annan Plan and the date of the simultaneous referenda was a little over three weeks. The UK government thought this was an acceptable timetable for the Greek Cypriots to consider an extremely complex series of documents having the effect of legitimising the events of 1974 and also dissolving the Republic of Cyprus and putting a new state in its place. One wonders however whether the UK electorate would find such deadlines acceptable on the question of a referendum on the Euro, an issue of far less significance in the day to day lives of the people in the UK than the Annan Plan was to Greek Cypriots. It has to be in line with international law and comply with the United Nations previous resolutions on Cyprus, be properly negotiated and sufficient time allowed for due consideration by the voters.

44. One of the tragic consequences of the Turkish invasion was the ethnic re-engineering carried out by Turkey and the consequent change in the demographic structure of the Cypriot communities. Some 130,000 colonists have been sent to Cyprus from Turkey and other countries since 1974 to take over ownership of Greek Cypriot properties. This massive colonisation was well documented in the Cuco report of 1992 commissioned by the Council of Europe (DOC 6589). In paragraph 115 of his report the author of the report, Rapporteur Cuco, states the following. "All the foregoing leads me to the conclusion that the presence and naturalisation of the settlers indubitably constitutes a further barrier to a peaceful negotiated solution of the Cypriot conflict. The more settlers there are, the more difficult it will be to find a solution that is acceptable to both communities and the settlers themselves." Lobby has always taken issue with terming these persons, who in the UK would clearly be considered illegal immigrants, as "settlers." These individuals are not settlers in the traditional sense of the word. They were deliberately and cynically despatched to Cyprus by Turkey to change the demographic composition of the island.

45. Under the provisions of the Annan Plan all of these colonists were to be given Cypriot citizenship enabling them to travel and work throughout the EU. What is more, under the Annan Plan the Turkish regional authorities in Cyprus would have been able to determine, who in the future would be granted Cypriot citizenship within the new state of the United Cyprus Republic. At a time when immigration into the UK is a major political issue the risk of uncontrolled and unfettered immigration has the capacity to present serious security and social concerns, especially since all the colonists come from Muslim countries. Indeed there have been sustained reports over many years that terrorist groups such as Al Qaeda and Chechen separatists have used the Occupied Area as a training base. It cannot be in the interests of the UK to open up its borders to the colonists living in the Occupied Area. Accordingly, the UK government should support a settlement, which ensures that the colonists are removed, humanely from Cyprus.

46. There is a further reason why it is in the interests of the UK for the colonists to be repatriated in any settlement in Cyprus. This is the financial cost to the UK taxpayer. The cost of compensating Greek Cypriot refugees for not returning to their properties will be borne by international community funding, in which the UK will be a major contributor. The Greek Cypriots will need to be compensated because the colonists are living in their homes. Lobby suggests that it would be much cheaper, and therefore in UK interests, for international funds to be used to repatriate the colonists to Turkey. There would then be no need to compensate the Greek Cypriots for loss of ownership as they can return to their properties. The FAC will recall that in the Loizidou case the applicant was awarded Cypriot £300,000 (around US \$600,000) for loss of USE of her property, not loss of ownership. One can only speculate on how much it would cost to compensate her, and the thousands of other Greek Cypriot property owners, for loss of ownership. Clearly it would have to be in the order of billions of pounds not thousands.

47. The FAC may recall that in fact the final version of the Annan Plan did contain a clause in which financial inducements would be given to colonists to return (annex VI Article 5(2)). However this provision only applied to those "current inhabitants" living in those areas, which were to be returned to Greek Cypriot administration. Any settlement must deal with the entire issue of the colonists in a comprehensive manner. In Lobby's view once this issue is properly addressed and property ownership returned to the legal owners then much of the detail of a settlement can be easily dealt with. If the UK government wants a quick and clean settlement in Cyprus it must support the repatriation of the illegal immigrants in Cyprus, the Turkish colonists.

#### *The way forward*

48. Lobby has campaigned for the 3R's, as set out in paragraph 7 above. None of these represent anything other than the basic human rights of the Greek Cypriots. If the UK government is to pursue an ethical foreign policy on Cyprus and meet its legal and moral obligations it should seek a settlement that respects the right of ownership and return. In addition if the UK wants to assist Turkey to join the EU then it must make it clear to her that it must pull its troops out of Cyprus and cease the occupation of an EU member

state. Finally it must send a decisive signal not only to the people of Cyprus but also to those in the UK that it will not tolerate colonisation into the Occupied Area of Cyprus to be used as a stepping stone to illegal immigration into the UK.

49. The settlement to be pursued should also not create an apartheid state within the EU. Lobby submits that the idea of having ethnically pure administrative areas in Cyprus is past its sell by date. Federation in the guise of apartheid has no place within the EU. Dangerous precedents would be set within the EU if this were permitted and it is likely that extreme nationalist or religious elements would seek to carve up towns and cities in Europe along ethnic or religious grounds, possibly demanding separate legislative or judicial authorities in these areas.

50. Lobby suggests that more effort be made to create areas of co-operation between Greek and Turkish Cypriots. For example the relaxation on trading is welcome and so is EU funding for the Turkish Cypriots, so long as it is done through the appropriate legal channels. The ghost town of Varosha should be returned now to its legal owners and in return the port of Famagusta could be used for trading with the EU. Indeed the UK economy would stand to gain also from the re-opening of Famagusta since the town will need to be re-developed and UK contractors should be in a good position to capitalise given the UK's historical role in Cyprus. As Turkish Cypriots move closer towards reaping EU benefits they will begin to see the virtue of a strong central government in which they would be represented. Loose federation would not provide this. Once confidence has returned between the two communities it will be easier to see the appropriate constitutional framework and to secure agreement.

#### *Specific issues raised by the FAC*

51. The FAC has raised a number of specific issues. These have in the main been addressed elsewhere in this document but for the sake of completeness we address them here also.

#### *Whether the UK should continue to back the Annan Plan*

Lobby has made it clear that any settlement must comply with international and human rights law. The Annan Plan does not do this. Furthermore the UK has a legal obligation to safeguard the sovereignty, the territorial integrity and constitution of the Republic of Cyprus. The Annan Plan would dissolve the Republic and replace it with a loose federation of two autonomous states with the danger of eventual creation of two independent states. This would not be in the best interest of the UK and it should not be supported.

#### *The implications for the EU of the admission of a divided country*

It is not the fault of anyone other than Turkey that the EU has been forced to admit a divided country. It is Turkey, which divided the island and has perpetuated the division. It is Turkey, an EU applicant state, which illegally occupies an EU member state. It is Turkey, which has continually flouted EU law and the decisions of the ECHR. Accordingly the continued occupation of Cyprus should be used as a reason to deny Turkey admission to the EU, until it removes its army of occupation from the territory of the Republic of Cyprus.

Trade with the Turkish Cypriots should be encouraged but this must be under the control of the legitimate government of the Republic of Cyprus.

A divided island certainly does not allow the fulfilment of the true potential that a united island would have brought to the European family and it hinders the development of the whole Eastern Mediterranean region. For this reason a settlement within the European framework must be sought by the EU. The benefits of a united and peaceful island would be enormous both to Cyprus and the EU.

#### *What role the UK should play in the continuing process of negotiations between the two communities on the island*

The Cyprus issue is now a greater concern to the EU as a whole than the UK since Cyprus is an EU member state under occupation by an EU applicant country. The UK should therefore contribute to settling the Cyprus issue within the context of the EU. It can assist by using its influence over Turkey to seek compliance with the 3R's.

The UK government should respect the outcome of the referenda of 24 April 2004 and refrain from apportioning blame as this would hinder the recommencement of the negotiating process.

*Implications for the Annan Plan's rejection for the northern part of the island*

We cannot comment on this other than to note that there was a good reason why Turkish Cypriots supported the Annan Plan; it legitimised the invasion, occupation and ethnic cleansing carried out by Turkey and gave the Turkish Cypriots far greater rights than they would have been entitled to under international law.

*Whether the British Government should seek to alter its relationship with the northern part of the island and if so how*

The least the UK government can do is to avoid taking any steps that would lend the regime in the north legitimacy. It should adhere to its pre-election commitment not to recognise the so called "TRNC", and to facilitate a settlement in line with international law. It should not seek to open trade with the north, as this would cement the division of the island.

*Implications for the EU's relationship with Turkey*

Turkey cannot be considered as a credible EU applicant state whilst it continues to illegally occupy a part of the EU and refuses to apply EU fundamental freedoms and rights both in Cyprus and also within Turkey. The EU should make the ending of the occupation of Cyprus one of the criteria for Turkish admission.

*In Conclusion*

52. The Annan Plan, If implemented would have had the inescapable and irreversible effect of inter alia:

(a) depriving Cypriot citizens of many rights under the European convention on Human Rights and, furthermore, under EU law;

(b) denying the right of return to tens of thousands of displaced persons ethnically cleansed from the northern area of Cyprus during the Turkish invasion of 1974;

(c) freezing all applications of Cypriot citizens to the European Court of Human Rights in respect of the actions of Turkey in Cyprus since 1974;

(d) precluding Cypriot citizens from bringing certain cases before the European Court of Human Rights ;

(e) legalizing the presence in the northern area of Cyprus of tens of thousands of foreign settlers and colonists planted there by Turkey;

(f) negating the principles of democracy by giving 18% of the population 50% of the seats in the senate together with the power to undermine decision-making within the executive;

(g) permitting foreign interference in the domestic affairs of Cyprus via the appointment of three non-Cypriot judges to the Supreme Court who would have held the balance of power in the event of a deadlock between the three Greek Cypriot and three Turkish Cypriot judges;

(h) authorising a substantial foreign military presence on the island which would only be reduced substantially (but not totally) in the event of the accession of Turkey to the EU;

(i) enhancing the rights of Turkey in accordance with the terms of an Additional Protocol to the Treaty of Guarantee 1960 under which the Turkish government asserts a disputed right of military intervention in Cyprus and;

(j) curtailing the sovereignty of Cyprus in other ways by placing an obligation on Cyprus to endorse the application of Turkey to the EU irrespective of whether it improves its dreadful record on human rights.

From the above it is clear why the Greek Cypriot people had no option but to reject the fundamentally flawed Annan Plan. However it must be stressed that the Greek Cypriots did not vote against a settlement and against the reunification of their island, which they have dreamed of for 30 years following the brutal invasion and occupation by Turkey? They voted 'no' because they did not want to endorse the consequences of the Turkish invasion of 1974. They did not want to give democratic legitimacy to so many provisions, which were incompatible with the fundamental principles of democracy, human rights and international law.

The UK and EU should respect the democratic choice of the Greek Cypriots and intensify efforts to address the issues that led to such an overwhelming rejection of the Plan. They should help find a settlement that adheres to international, human and legal rights, the European aqua communautaire and one that can be acceptable to any other European citizen. Only then can a united Cyprus progress and prosper in the EU and in return for the EU to take full advantage of Cyprus's geographical position, and expand trading routes, eastwards.

*Further Contact*

53. Lobby is anxious to assist the FAC and would welcome the opportunity to supplement this memorandum with the giving of oral evidence. In the meantime should the FAC have any questions about anything set out in this memorandum please contact Nick Kounoupas of Lobby for Cyprus on 07768 201998 or the Lobby office by email [admin@lobbyforcyprus.org](mailto:admin@lobbyforcyprus.org)

**Letter to the Clerk of the Committee from the High Commissioner of the Republic of Cyprus,  
26 January 2005**

Further to our previous communication I take the liberty of enclosing an Aide Memoire regarding the very worrying phenomenon of illegal exploitation of properties taking place in the occupied areas of Cyprus, an issue that seems not to have been given the necessary attention in the course of the enquiry.

Regrettably, recent indisputable data show an unprecedented increase in the unlawful development of Greek Cypriot property in the occupied areas of Cyprus, which alarmingly involves foreign investors, mainly British.

It should be stressed that foreign nationals proceeding to such illegal transactions entail responsibility according to a recent decision of a district Court of the Republic of Cyprus. According to this decision, the accused, a British couple, was liable to compensation to the lawful owner and was ordered to demolish the premises erected on the property in question.

It is also well known that the right of property and ownership of the Greek Cypriots in the occupied part of Cyprus has been recognised by the European Court of Human Rights in the case of *Loizidou v. Turkey*.

The illegal exploitation of usurped Greek Cypriot property not only prejudices the execution of Court decisions but poses an additional obstacle for any efforts for the solution of the Cyprus' problem, of which the property issue is one of the core parameters.

Having noted the above, which I hope will be of interest to the members of the Committee, I remain at your disposal for any further information

*HE Petros Eftychiou*

High Commissioner of the Republic of Cyprus

26 January 2005

**AIDE MEMOIRE**

- In 1974 less than one-fifth of the currently Turkish-occupied territory of the Republic of Cyprus was owned by persons other than members of the Greek Cypriot community and the Cypriot state.
- Following the Turkish invasion of 1974, the forced eviction of approximately 170,000 Greek Cypriots from their ancestral homes, and the illegal occupation of 36.4% of the Republic of Cyprus' territory, the Turkish occupation regime placed the properties of dispossessed owners at the disposal of its own "authorities", the Turkish military, and ordinary Turkish Cypriots. After the commencement of Turkey's organised colonization of occupied Cyprus in late 1974 many such properties were handed over to Turkish mainland settlers. The distribution of properties was also used by the Turkish Cypriot leadership to "buy off" political influence both within and without the Turkish Cypriot community.
- The year 2002 witnessed the confluence of two phenomena, which generated an unprecedented, unethical and illegal "sales" and construction boom in the occupied territories, especially in Kyrenia District.

At one level, the Turkish occupation regime allowed the current possessors of occupied properties to "transfer" such properties to third parties at large, hence facilitating the rise of an unprecedented "property market" in an area which combined two "fatal" characteristics: natural beauty and cheap prices.

At another level, the UN Secretary-General submitted his Plan for the Comprehensive Settlement of the Cyprus Problem ("the Annan Plan"). In unacceptably restricting the right to restitution of the lawful property owners and in containing provisions which *de facto* encouraged unlawful investments in occupied properties, the Plan had one critical implication: specifically, despite its rejection by the people of Cyprus on 24 April 2004, the Plan (which, given its rejection, does not have any legal standing whatsoever) has, in certain circles, cultivated the impression that unlawful investments in occupied properties by Turkish Cypriots, Turks, and others (eg Britons, Germans, Israelis etc.) will be safeguarded even after a solution of the Cyprus Problem, hence removing a psychological barrier to further investments of this sort.

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<sup>196</sup> The figure includes the most recent 40,000-strong wave of Turkish nationals estimated to have made their way to the Turkish-occupied north in 2004 so as to engage in construction-related employment.



At present the occupied territories are populated, *inter alia*, by:

- about 160,000 Turkish mainland settlers<sup>196</sup>,
- about 87,600 Turkish Cypriots (2001 estimate—the number has, in all probability, since decreased) (NB: in 1974 Turkish Cypriots numbered around 118,000) and
- more than 35,000 Turkish troops.

*This means that in the occupied territories now there are more than two Turks for every Turkish Cypriot.*

- In situ inspections, satellite images, and the following indicative facts figures, and statements, which have come under the public spotlight, attest to the large volume of “sales” and the construction boom sweeping and occupied territories.

1. Imports of construction materials into the occupied territories.

Year	Iron			Cement		
	Tons	%	Value (US\$)	Tons	%	Value (US\$)
2001	17,856	—	3,672,000	50,914	—	2,654,000
2002	23,848	+ 33.6*	5,528,000	50,950	+ 0.07%	2,570,000
2003	38,222	+ 60.3	11,392,000	85,268	+ 67.4%	4,366,000
2004 (until July)	42,335	+ 10.8	17,979,000	106,200	+ 24.5%	5,489,000

\* Denotes the increase over the previous year

2. Applications lodged with the Turkish occupation regime by foreign nationals for the “purchase” of immovable properties in the occupied territories:

Year	Application	%
2000	228	—
2001	309	+ 35.5
2002	591	+ 91.3
2003	955	+ 61.6
2004 (until 8–9–04)	1,701*	+ 78.1

\* N.B.: The so-called “minister of interior” of the “turkish republic of northern Cyprus” (“trnC”), Mr Ozkan Murat, predicted that by the end of 2004 the number of applications for the said year will match the total number of applications for ALL previous years taken together!

3. Referring to the intense land development being observed in the occupied territories since 2002, the Republic of Turkey’s Deputy Prime Minister and State Minister, Mr Abdullatif Sener stated, *inter alia*, that:

- in 2001 foreigners “purchased” 63,000 square meters (“s.m.”) of land,
- in 2002, 290,000 s.m.
- in 2003, 613,000 s.m.
- and, during the first six months of 2004, 116,000 s.m.

Mr Sener admitted that Greek Cypriot properties are involved in the abovementioned transactions.

4. The so-called “finance minister” of the “trnC”, Mr Ahmet Uzim, admitted that the property provisions of the Annan Plan gave investors the incentive to build on Greek Cypriot properties and observed that construction activities will make the return of Greek Cypriots to the northern part of Cyprus more difficult.

5. Turkish Cypriot politician, Mr Izzet Izcan, stated that in the period April-September 2004 the value of property “sales” in the occupied territories reached \$2 billion.

6. Noting that the sale of residences in the occupied territories had reached 10,000 the former chairman of the Turkish Cypriot Chamber of Commerce, Mr Eren Ertanin, stated that over the past two years the prices of immovable properties there have doubled.

7. The chairman of the Turkish Cypriot Chamber of Industry, Mr Salih Tunar, stated that the on-going construction of four large hotels in the vicinity of the occupied Greek Cypriot village of Vokolidha will significantly increase the existing number of “trnC” tourist beds.

- Legal and practical implications flowing from -the unlawful exploitation of properties in the occupied territories:

<sup>196</sup> The figure includes the most recent 40,000-strong wave of Turkish nationals estimated to have made their way to the Turkish-occupied north in 2004 so as to engage in construction-related employment.

1. Aggravation of the on-going violation of the locally<sup>197</sup> and internationally<sup>198</sup> recognized home and property rights of the lawful owners in a manner that could potentially engage the criminal and civil responsibility of all persons who contribute to the unlawful exploitation by supplying goods, services and capital to the actual trespassers. Additionally, the boom engages Turkey's own international legal responsibility since no construction can take place without the license of its subordinate local administration in the Turkish-occupied north.

2. Perpetuation of the illegal *faits accomplis* engendered by the Turkish occupation, and potential prejudicing—on a daily basis—of a just and international law conforming solution of the Cyprus problem that will respect the twin freedoms of establishment and property ownership/possession across the island.

3. Creation of conditions which encourage the transfer of laborers from Turkey who end up settling down and colonizing the occupied territories, thus expanding the unlawful Turkish settlement already in full swing there. It is estimated that approximately 40,000 Turks have made their way to the Turkish-occupied north in 2004 so as to engage in construction-related employment.

4. Destruction of the natural environment and of archaeological sites to make room for unbridled development, wherein buildings are built hastily without necessarily meeting structural safety standards.

5. Construction upon graves reportedly containing the remains of Greek Cypriot missing persons murdered during the Turkish invasion of 1974, thus desecrating their memory and complicating efforts to identify and return their remains to their loved ones for proper burial.

- In light of the above, the Republic of Cyprus demands that the Republic of Turkey—now set to open negotiations for accession to the EU on 03.10.2005—*immediately* introduce, in the occupied areas, a moratorium on all construction activities (possibly excepting the ordinary maintenance of already finished structures and/or the demolition of irredeemably hazardous structures) not consented to by the lawful property owners.

Furthermore, and in relation to the point just made, the Republic of Cyprus demands that the Republic of Turkey *immediately* assent to the conduct as soon as possible, in the occupied areas, of an internationally supervised census, which will comprehensively profile, *inter alia*, the current usage of immovable properties which in 1974 belonged (i) to persons who were dispossessed of the said properties because of the events of 1963–64, and whose dispossession continued after the events of 1974, and (ii) to persons who were dispossessed of the said properties because of the events of 1974.

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<sup>197</sup> Cf Articles 16 (right to home) and 23 (right to property) of the Constitution of the Republic of Cyprus.

<sup>198</sup> Cf., for instance, Article 8 (right to home) and Article 1-Protocol 1 (right to peaceful enjoyment of possessions) of the European Convention on Human Rights in conjunction with the Judgments of the European Courts of Human Rights in *Loizidou v. Turkey* (1995, 1996, 1998), *Cyprus v. Turkey* (2001), *Demadees v. Turkey* (2003) and *Eugenia Michaelidou Developments Ltd and Michael Tymvious v. Turkey* (2003), which, *inter alia* confirm that the owners' title to immovable properties of which they were dispossessed through Turkey's 1974 invasion and on-going occupation remains as valid as ever and that Turkey bears international responsibility for the continuing violation of the home/property rights of the said persons.